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:	Not yet assigned	Filing date:	November 23, 2010
First Named Inventor:	Jerome Mertz		
Title of the Invention:	System and Method for Producing an Optically Sectioned Image Using Both Structured...		

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/US2009/046122

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.

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

(continued)

Application No.:	Not yet assigned
First Named Inventor:	Jerome Mertz

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
Claims 1-30	Claims 1-30	Claims are identical

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

Signature /John J. Stickevers, #39,387/	Date November 23, 2010
Name (Print/Typed) John J. Stickevers	Registration Number 39387

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
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,413	01/10/2011	Jerome Mertz	3273/105	2954

2101 7590 07/13/2011
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
07/13/2011	ELECTRONIC

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

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

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

PATENTS@SUNSTEINLAW.COM

MAILED

JUN 08 2011

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TECHNOLOGY CENTER 2400

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United States Patent and Trademark Office
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John J. Stickevers
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

In re Application of: MERTZ, J., et al.
Application No.: **12/994,413**
Filed: November 23, 2010
For: SYSTEM AND METHOD FOR PRODUCING AN OPTICALLY SECTIONED IMAGE USING BOTH STRUCTURED AND UNIFORM ILLUMINATION

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 (PPH) pilot program and the petition under 37 CFR 1.102(d), filed **November 23, 2010**, to make the above-identified application special.

The petition is **DISMISSED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. **In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.**

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition fail to meet the requirements of condition (2) as shown above.

The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the written opinion of the International Searching Authority mailed August 9, 2009, indicates in Box. No. VIII that the written opinion contains indications relating to certain observations on the international application. As required by condition (2), any observation described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-

PPH request must be identified by the applicant and the applicant must explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. Since the Applicant failed to provide any identification and/or explanation of these observations, the petition fails to meet condition (2).

Accordingly, the petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Networking, Multiplexing, Cable and Security

Practitioner's Docket No. 3273/105 ***PATENT***

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jerome Mertz, Daryl Lim and Kengyeh K. Chu
Application No.: 12/994,413 Group No.: 2482
Filed: 11/23/2010 Examiner: Not yet assigned
For: System and Method for Producing an Optically Sectioned Image Using Both Structured and Uniform Illumination

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

TRANSMITTAL

1. Transmitted herewith are the Decision on Request to Participate in Patent Prosecution Highway Program and Petition to Make Special Under 37 CFR 1.102(d) and Response.

STATUS

2. Applicant is other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)		OTHER THAN A SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE		ADDIT. FEE	
TOTAL	29	–	30	=	0	x	$ 52.00	=	$	0.00
INDEP.	3	–	3	=	0	x	$ 220.00	=	$	0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+	$ 0.00	=	$	0.00
							TOTAL ADDIT. FEE		$	0.00

No additional fee for claims is required.

Please charge any fees required by this paper to deposit account number 19-4972.

Date: August 9, 2011

/John J. Stickevers, #39,387/

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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.
12/994,413	01/10/2011	Jerome Mertz	3273/105	2954

2101 7590 07/13/2011
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
07/13/2011	ELECTRONIC

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

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PATENTS@SUNSTEINLAW.COM

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JUN 08 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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John J. Stickevers
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

In re Application of: MERTZ, J., et al.
Application No.: **12/994,413**
Filed: November 23, 2010
For: SYSTEM AND METHOD FOR PRODUCING AN OPTICALLY SECTIONED IMAGE USING BOTH STRUCTURED AND UNIFORM ILLUMINATION

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 (PPH) pilot program and the petition under 37 CFR 1.102(d), filed **November 23, 2010**, to make the above-identified application special.

The petition is **DISMISSED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. **In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.**

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition fail to meet the requirements of condition (2) as shown above.

The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the written opinion of the International Searching Authority mailed August 9, 2009, indicates in Box. No. VIII that the written opinion contains indications relating to certain observations on the international application. As required by condition (2), any observation described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-

PPH request must be identified by the applicant and the applicant must explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. Since the Applicant failed to provide any identification and/or explanation of these observations, the petition fails to meet condition (2).

Accordingly, the petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Networking, Multiplexing, Cable and Security

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mertz, J., et al.	Atty. Docket:	3273/105
Serial No.:	12/994,413	Art Unit:	2482
Date Filed:	November 23, 2010	Examiner:	N/A
Invention:	**System and Method for Producing an Optically Sectioned Image Using both Structured and Uniform Illumination**		

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

Response to the Decision on Request to Participate in Patent Prosecution Highway Program and Petition to Make Special Under 37 CFR 1.102(d)

Dear Sir:

Applicant responds as follows to the Dismissal of the Petition mailed on July 13, 2011 as follows:

Presentation and amendment to the claims begin at page 2;

Remarks begin on page

1. (Currently Amended) An imaging method for use with a processor for producing an optically-sectioned data set of a real-world object, the method comprising:

receiving at the processor a ~~first image~~ first-image data set of the real-world object that was illuminated with substantially uniform illumination;

receiving at the processor a ~~second image~~ second-image data set of the real-world object that was illuminated with substantially structured illumination;

processing the ~~first image~~ first-image data set producing a high-frequency in-focus data set;

processing the ~~second image~~ second-image data set producing a low-frequency in-focus data set; and combining the high frequency in-focus data set and the low-frequency in-focus data set to produce an optically-sectioned in-focus data set.

2. (Original) An imaging method according to claim 1, further comprising:

displaying the optically-sectioned in-focus data set on a display device.

3. (Currently Amended) An imaging method according to claim 1, wherein processing the ~~first image~~ first-image data set includes:

applying a high pass filter to the first-image data set to substantially remove out-of-focus content and obtain the high frequency in-focus image data set.

4. (Currently Amended) An imaging method according to claim 3, wherein processing the ~~second image~~ second-image data set includes:

determining local contrast of the second-image data set producing a low resolution local contrast data set;

multiplying the low resolution local contrast data set with the first-image data set to extract low resolution in-focus content from the first-image data set.

5. (Currently Amended) An imaging method according to claim 4, wherein processing the ~~second image~~ second-image data set further includes:

applying a low pass filter to the low resolution in-focus content, wherein the low pass filter is complementary with the high pass filter.

6. (Cancel)

7. (Original) The imaging method according to claim 4, wherein determining local contrast includes:

adjusting the local contrast to compensate for object contrast using the first-image data set.

8. (Original) The imaging method according to claim 4, wherein determining local contrast includes adjusting the local contrast to compensate for noise-induced contrast in the second-image data set by using the first-image data set.

9. (Currently Amended) The imaging method according to claim 1, further comprising:

recording with an optical imager a first-image data set representative of the real-world object using ~~near~~ substantially uniform illumination wherein the first-image data set contains both in-focus and out-of-focus content; and

recording with the optical imager a second-image data set representative of the real-world object using structured illumination so that the second-image data set is spatially modulated.

10. (Original) The imaging method according to claim 9 wherein the optical imager includes an optical detector array.

11. (Original) The imaging method according to claim 10 wherein the optical imager includes an illumination source.

12. (Original) The imaging method according to claim 4 wherein the local contrast is determined by evaluating a local image standard deviation.

13. (Original) The imaging method according to claim 4 wherein the local contrast is determined in part using single sideband demodulation.

14. (Original) The imaging method according to claim 4 wherein the local contrast is determined in part using double sideband demodulation.

15.(Currently Amended) A computer program product for use with a computer comprising a computer readable medium having computer code thereon for producing an optically-sectioned data set of a real-world object, the computer code comprising:

computer code for receiving a ~~first image~~ first-image data set of the real-world object that was illuminated with substantially uniform illumination;

computer code for receiving a ~~second image~~ second-image data set of the real-world object that was illuminated with substantially structured illumination;

computer code for processing the ~~first image~~ first-image data set producing a high-frequency in-focus data set;

computer code for processing the ~~second image~~ second-image data set producing a low-

frequency in-focus data set; and

computer code for combining the high frequency in-focus data set and the low-frequency in-focus data set to produce an optically-sectioned in-focus data set.

16. (Original) A computer program product according to claim 15 wherein the computer code for processing the first image contains computer code for applying a high pass filter to the first-image data set to substantially remove out-of-focus content.

17. (Original) A computer program product according to claim 16, wherein the computer code for processing the second image contains:

computer code for determining local contrast of the second-image data set producing a local contrast data set; and

computer code for multiplying the local contrast data set with the first-image data set producing a low resolution in-focus data set.

18. (Original) A computer program product according to claim 17 wherein the computer code for processing the second image further comprises:

computer code for applying a low pass filter to the low resolution in-focus data set.

19. (Original) The computer program product according to claim 17, wherein the computer code for determining local contrast includes:

computer code to compensate for object contrast in the second-image data set using the first-image data set.

20. (Original) The computer program product according to claim 17, wherein the computer code for determining local contrast includes:

computer code to compensate for noise-induced contrast in the second-image data set using the first-image data set.

21. (Original) The computer program product according to claim 17 wherein the computer code for determining local contrast determines the local contrast by evaluating a local image standard deviation.

22. (Original) The computer program product according to claim 17 wherein the computer code for determining local contrast uses single sideband demodulation.

23. (Original) The computer program product according to claim 17 wherein the computer code for determining local contrast uses double sideband demodulation.

24. (Currently Amended) A system for producing an optically-sectioned image of a real-

world object, the system comprising:

an illumination source;

a spatial pattern generator;

an optical detector array; and

a processor for receiving from the optical detector array a ~~first image~~ first-image data set and a second image data set wherein the ~~first image~~ first-image data set is produced in response to the illumination source and the ~~second image~~ second-image data set is produced in response to the illumination source and the spatial pattern generator, the processor producing an optically-sectioned image by combining high frequency in-focus data from the ~~first image~~ first-image data set with low frequency in-focus data from the first-image and ~~second image~~ second-image data sets.

25. (Original) The system according to claim 24 wherein the illumination source includes at least a first and a second illumination source;

26. (Original) The system according to claim 25 wherein the first illumination source can uniformly illuminate the real-world object.

27. (Original) The system according to claim 25 wherein the second illumination source along with the spatial pattern generator can structurally illuminate the real-world object.

28. (Original) The system according to claim 24 wherein the spatial pattern generator is a spatial light modulator.

29. (Original) The system according to claim 24 wherein the spatial pattern generator is a diffuser.

30. (Original) The system according to claim 24 wherein the spatial pattern generator generates a geometric pattern when exposed to the illumination source.

Remarks

The received dismissal of the petition requesting participation in the PCT-PPH indicated that the petition failed to meet the requirements of condition (2). Condition (2) requires that any observation described in Box VIII of the WO/ISA or WO/IPEA, or IPER which forms the basis for the PCT-PPH request must be identified by the applicant and the applicant must explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation. Applicants request reconsideration in view of the amended claims as provided above and the remark provided below, which Applicants believe address all of the defects with the original petition.

Applicants acknowledge that the Written Opinion of the International Searching Authority which formed the basis for the PCT-PPH request did indeed check box VIII (Certain Observations on the International Application). Applicants note that the Written Opinion references Box No. VIII on a separate sheet and that on the separate sheet Box No. VIII is incorrectly identified as point VII. Point VII references the clarity observations, which are addressed in total below.

Applicants note that the Written Opinion Observations addressed claims 1,3,4,6-9, 15-17, 19, 20 and 24 as not being clear under Article 6 PCT in sections 6.1-6.8. These clarity objections will be addressed in turn. Applicants note that the U.S. Patent and Trademark Office does not rely on Article 6 of the PCT, but rather addresses issues of indefiniteness and enablement under 35 U.S.C. 112.

In section 6.1, the Written Opinion questions the clarity of "first image data set" and "second image data set" as applied to independent claim 1. Applicants amend claim 1 herewith to make clear that each data set references a separate image as disclosed in the specification and not to a set of images (like sliced images). Applicants have connected the terms "first" and "image" to read "first-image" and the terms "second" and "image" to read "second-image". Thus, Applicants believe that this clarifies the claim without changing the original scope of the claim. Applicants suggest that the scope that was searched by the International Searching Authority has not changed with this amendment and therefore, the claim is proper for PCT-PPH purposes.

In section 6.1, the Written Opinion states that the two occurrences of the term "substantially" are not clear. Applicants note that the U.S. Patent and Trademark Office does not rely on Article 6 of the PCT and therefore, the term "substantially" is not an unclear term with respect to U.S. law. With respect to 35 U.S.C. 112 and corresponding MPEP provision 2173.05(b). The term substantially may be used in a claim and is definite if the specification is clear or one of ordinary skill in the art would know what is meant by the term. See In re Mattison, 509 F.2d 563, 184 USPQ (CCPA 1975) and See Also Andrew Corp. v. Gabriel Electronics, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988). In the specification, and as recognized in the written opinion, the term "substantially" is clarified by paragraphs 25 and 28 of the present application. As a result, the claims do not need to be amended to comply with 35 USC 112 on grounds of indefiniteness, since these terms are indeed definite and there meaning would be understood by one of ordinary skill in the art in view of the specification.

Additionally, the Written Opinion suggests that the phrase "processing the first image data set producing a high-frequency in-focus data set" and "processing the second image data set producing a low-frequency in-focus data set" merely states the underlying problem in terms of the result to be achieved. Applicants again note that this is not the rule of law with respect to U.S. Patent Applications, but rather 25 USC 112 applies. Applicants refer the Examiner to MPEP 2173.05(g) with respect to Functional Limitations. This section of MPEP states "[t]here is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper." In re Swinehart, 439 F.2d 210, 169 USPQ 226 (CCPA 1971). As a result, this clarity objection in the Written Opinion does not need to be addressed with respect to claim 1 because the claim is definite.

The Written Opinion also suggests that the terms "high-frequency in-focus data set" and "low-frequency in-focus data set" are unclear. Again, article 6 of the PCT does not govern, but rather 35 USC 112 governs. Applicants note that MPEP section 2173.02 on clarity and precision states that the requirement for definiteness under 35 USC 112 must be analyzed in light of :

(A) the content of the particular application disclosure;

(B) the teachings of the prior art; and

(C) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time that the invention was made.

Applicants note that the specification at paragraph 28 makes clear what is meant by this terminology and in fact, the Written Opinion directs the reader to this section for support. Thus, claim 1 is clear and is not indefinite.

Finally, in section 6.1, the Written Opinion suggests that the step of "combining" in claim 1 does not clearly state the method for combining the data. Article 6 of the PCT does not govern with respect to clarity, but rather 35 USC 112 does. As previously indicated, Applicants refer the Examiner to MPEP 2173.05(g) with respect to Functional Limitations. This section of MPEP states "[t]here is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper." Additionally, the Written Opinion itself directs the reader to at least paragraph 36 for support. Thus, the claim language is neither unclear or indefinite.

The Written Opinion addresses claims 15 and 24 in section 6.2 and references section 6.1 mutatis mutandis. Applicants argue that all of the clarity observations are inapplicable to claims 15 and 24 with the exception of the observation with respect to "the first image data set" and "the second image data set". Applicants have amended claims 15 and 24 to make clear that the data set references a single image rather than a set of images. The other observations for claims 15 and 24 have been addressed with respect to section 6.1. Applicants believe that the use of "functional language" within the claims does not render the claims indefinite and that one of ordinary skill in the art in combination with the accompanying specification would understand the scope of the claims.

Section 6.3 of the Written Opinion addresses claims 3 and 16. The Written Opinion states that the term "high-pass filter" leaves obscure how the high-pass filter needs to be chosen in order to achieve the result of out-of-focus content being removed. Applicants note that this clarity observation is not the law within the United States. MPEP makes clear that claim breadth is not indefiniteness. See MPEP 2173.04. So long as the claim language finds support and is taught

within the specification, the claim language is neither unclear nor indefinite. The specification of the present application in at least paragraph 44 teaches the use of a high-pass filter and the parameters for determining such a filter. Thus, claims 3 and 16 are not indefinite.

Further, section 6.3 of the Written Opinion states that the term "substantially" is not clear when referencing the amount of out-of-focus content that has been removed. Paragraph 4 of the application makes clear that the out-of-focus content is content that is not within the focal plane. The term "substantially" has the ordinary meaning according to the Merriam-Webster Collegiate Dictionary 1174 (10th ed. 1993) of "being largely but not wholly that which is specified". In Dana Corporation v. American Axle & Manufacturing, Inc. 279 F.3d 1372 (Fed. Cir. 2004), the Federal Circuit stated that the term substantially allows for variations in the term. One of ordinary skill in the art would recognize that removal of "substantially" all out-of-focus content would imply that largely all but not all of the content out of the focal plane would need to be removed in order for infringement to occur. Applicants direct the Examiner's attention to MPEP provision 2173.05(b). The term substantially may be used in a claim and is definite if the specification is clear or one of ordinary skill in the art would know what is meant by the term. See In re Mattison, 509 F.2d 563, 184 USPQ (CCPA 1975) and See Also Andrew Corp. v. Gabriel Electronics, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988). Thus, because the term "substantially" would be understood by one or ordinary skill in the art, Applicants believe that there is no need to either remove or clarify the word "substantially" in claims 3 or 16.

Section 6.4 of the Written Opinion states that claims 4 and 17 are not clear, since it is not specified how the "multiplication" is performed. Applicants again note that United States Patent and Trademark Office does not rely on Article 6 of the PCT, but rather addresses issues of clarity i.e. indefiniteness and enablement under 35 U.S.C. 112. As a result, even though the term "multiplication" is not explicitly explained within the claim, one of ordinary skill in the art reading the present specification would understand that the "multiplication" could be performed at least according to the manner described in paragraph 46 of the application. Applicants note that the PCT clarity observation points to paragraph 46 for support. As a result, Applicants do not believe that the term "multiplication" needs further clarification in either claims 4 or 17 and the term "multiplication" is not indefinite.

The Written Opinion in section 6.5 states that claim 6 merely states underlying problem in terms of a result to be achieved. Applicants note that they have decided to cancel claim 6 and therefore, this observation is moot.

Section 6.6 of the Written Opinion observes that the phrase "compensate for noise-induced contrast" as used in claims 8 and 20 merely states the underlying problem in terms of a result to be achieved or stated differently uses "functional" language. As with the previous clarity observations, Applicants note that Article 6 of the PCT is not the rule of law and therefore, 35 USC Section 112 is applicable. Applicants again refer the Examiner to MPEP 2173.05(g) with respect to Functional Limitations. This section of MPEP states "[t]here is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper." Further, this MPEP section quotes *Innova/Pure Water Inc. v. Safari Water Filtration Sys. Inc.*, 381 F.3d 1111, 1117-20, 72 USPQ2d 1001, 1006-08 (Fed. Cir. 2004) stating that "[a] functional limitation is often used in association with an element, ingredient, or *step of a process* to define a particular capability or purpose that is served by the recited element, ingredient or step." (Emphasis Added) One of ordinary skill in the art would understand the meaning of the claim language, since at least paragraphs 35 and 36 provide support as indicated by the Written Opinion. Thus, the claim language is neither unclear nor indefinite.

As with Section 6.6, Section 6.7 objects to the use of "functional" language. Section 6.7 observes that dependent claims 8 and 20 each use the phrase "compensate for noise-induced contrast" and that this phrase states the underlying problem in terms of the result. This clarity observation is inappropriate and 35 USC 112 should govern. As before, the phrase is not indefinite and would be understood by one of ordinary skill in the art at least as described in paragraphs 35 and 36.

In Section 6.8, the Written Opinion observes that dependent claim 9 uses the term "near" and this term is unclear. Applicants have amended this claim to change "near" to "substantially" in order to provide consistency with the other claims. Thus, the phrase reads "substantially uniform illumination." Again, the use of "substantially" would be obvious to one of ordinary skill in the

art as suggested in the Written Opinion, which states that at least paragraphs 25 and 28 provide clarification. As a result, claim 9 is not unclear. Applicants note that this amendment does not extend the claim outside of the scope of the search performed by the International Searching Authority and therefore, claim 9 is proper for purposes of the PCT-PPH. Applicants note that the term "substantially uniform illumination" was originally used in the claims, for example see claim 1.

Applicants request reconsideration of the request for participation in the Patent Prosecution Highway Program. Applicants believe that all of the issues with respect to clarity have been addressed as identified in Box VIII of the Written Opinion and that this was the only portion of the request that was missing. Applicants believe that the claims as presented above are allowable and with the amendments made herewith do not differ substantially from the claims as examined in the Written Opinion.

Applicant requests reconsideration of all pending claims. The Examiner is requested to telephone the undersigned if any matters remain outstanding so that they may be resolved expeditiously. The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 19-4972. No extension is believed to be necessary for the timely consideration of this request for reconsideration.

Respectfully submitted,

/John J. Stickevers, #39,387/

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,413	01/10/2011	Jerome Mertz	3273/105	2954

2101 7590 09/19/2011
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
09/19/2011	ELECTRONIC

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

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

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

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John J. Stickevers
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

In re Application of: MERTZ, J. et al.
Application No.: **12/994,413**
Filed: November 23, 2010
For: SYSTEM AND METHOD FOR PRODUCING AN OPTICALLY SECTIONED IMAGE USING BOTH STRUCTURED AND UNIFORM ILLUMINATION

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 petition filed on **August 9, 2011** including a request to participate in the Patent Prosecution Highway (PPH) pilot program and make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(a). The original petition, submitted November 23, 2010, was dismissed in the decision mailed on July 13, 2011.

The petition is **GRANTED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

In view of the renewed request and petition filed August 9, 2011, the request and petition now meet the requirements of condition (3) which were found to be deficient in the original request and petition.

Accordingly, the petition is **GRANTED**.

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

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

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088.

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

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400

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PCT LEGAL ADMINISTRATION

CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO TX 75024

In re Application of :
BAKKER, et al. :
Application No.: 12/994,416 :
PCT No.: PCT/US2009/045992 :
Int. Filing Date: 02 June 2009 :
Priority Date: 02 June 2008 :
Attorney Docket No.: 33520-3-US-PCT4214-09107 :
For: PRIVACY-RELATED REQUESTS FOR :
AN IMS EMERGENCY SESSION :

DECISION ON PAPERS

UNDER 37 CFR 1.42

This decision is in response to declaration filed 02 March 2011 in the United States Patent and Trademark Office. The declaration filed is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 02 June 2009, applicant filed international application PCT/US2009/045992 which claimed priority to an earlier application filed 02 June 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 02 December 2010.

On 23 November 2010, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 07 December 2010, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 02 March 2011, applicant responded with the declaration discussed herein accompanied by a petition for a one-month extension of time. Applicant's response is timely filed.

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."

The declaration submitted on 02 March 2011 was executed by Carey Barnes as legal representative to the estate of deceased inventor, Nigel Barnes. 37 CFR 1.497(b) requires that the oath or declaration provide the citizenship, residence, and mailing address of both the deceased inventor and the signing legal representative. While the filed, signed declaration merely provides the mailing address, citizenship and residence of the deceased inventor, it is clear from the statement page signed by Ms. Barnes that, in addition to being executrix of the estate, she is the widow of the deceased inventor and that the mailing address, citizenship and residence listed on the declaration for the deceased inventor is also that of the legal representative. As such, it is proper to accept the filed declaration pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 02 June 2009 and will be given a date of **02 March 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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:	12/994,457	Filing date:	November 24, 2010
First Named Inventor:	Heinrich ALBRECHT		
Title of the Invention:	COLLECTING CHAMBER AND PRODUCTION PROCESS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2009/003299

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

May 08, 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.:	12/994,457
First Named Inventor:	Heinrich ALBRECHT

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 24, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 24, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
18	1	US claim as per Preliminary Amendment filed 11/24/2010
19	2	US claim as per Preliminary Amendment filed 11/24/2010
20	3	US claim as per Preliminary Amendment filed 11/24/2010
21	4	US claim as per Preliminary Amendment filed 11/24/2010
22	5	US claim as per Preliminary Amendment filed 11/24/2010
23	5	US claim as per Preliminary Amendment filed 11/24/2010
24	6	US claim as per Preliminary Amendment filed 11/24/2010
25	7	US claim as per Preliminary Amendment filed 11/24/2010
26	8	US claim as per Preliminary Amendment filed 11/24/2010
27	9	US claim as per Preliminary Amendment filed 11/24/2010
28	10	US claim as per Preliminary Amendment filed 11/24/2010
29	11	US claim as per Preliminary Amendment filed 11/24/2010
30	12	US claim as per Preliminary Amendment filed 11/24/2010
31	13	US claim as per Preliminary Amendment filed 11/24/2010
32	14	US claim as per Preliminary Amendment filed 11/24/2010
33	15	US claim as per Preliminary Amendment filed 11/24/2010
34	16	US claim as per Preliminary Amendment filed 11/24/2010
35	17	US claim as per Preliminary Amendment filed 11/24/2010
36	17	US claim as per Preliminary Amendment filed 11/24/2010

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

Signature	/Tina Gonka/	Date	April 21, 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.
12/994,457	03/17/2011	Heinrich Albrecht	2008P08005WOUS01	3575

22116 7590 04/22/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
04/22/2011	PAPER

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

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

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

In re Application of	:
ALBRECHT, HEINRICH et al	: DECISION ON REQUEST TO
Application No. 12/994,457	: PARTICIPATE IN PATENT
Filed: Nov. 24, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 2008P08005WOUS01	: PILOT PROGRAM AND PETITION
For: COLLECTING CHAMBER AND	: TO MAKE SPECIAL UNDER
PRODUCTION PROCESS	: 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 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.

Other inquiries concerning the examination or status of the application should be directed to Edward Look, the SPE of Art Unit 3745 at 571-272-4820 for Class 415/206 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

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: 2008376-0087	Application Number (if known): 12/994544	Filing date: November 24, 2010

First Named Inventor: Scott D. Allen

Title: POLYCARBONATE POLYOL COMPOSITIONS AND METHODS

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 /John P. Rearick/	Date June 7, 2011
Name (Print/Typed) John P. Rearick, PhD	Registration Number 64909

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

☒ *Total of 1 forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,544	11/24/2010	Scott D. Allen	2008376-0087 (NOV-007-US)	4134

80580 7590 08/26/2011
Choate/Novomer
Two International Place
Boston, MA 02110

EXAMINER

ART UNIT	PAPER NUMBER
1765	

NOTIFICATION DATE	DELIVERY MODE
08/26/2011	ELECTRONIC

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

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

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

patentdocket@choate.com
jhess@choate.com
jnease@choate.com

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8/26/11

Choate/Novomer
Two International Place
Boston MA 02110

In re Application of	:	
Scott D. Allen et al.	:	DECISION ON PETITION
Application No. 12/994,544	:	TO MAKE SPECIAL UNDER
Filed: November 24, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2008376-0087 (NOV-007_US)	:	PILOT PROGRAM

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

The petition is **GRANTED**.

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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APR 06 2011

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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: GONZALEZ, Curt, et al. :
U.S. Application No.: 12/994,554 :
PCT No.: PCT/US2008/065061 :
International Filing Date: 29 May 2008 :
Priority Date: 29 May 2008 :
Attorney's Docket No.: 200800207US01 :
For: CAP FOR A FLUID CONTAINER OUTLET :

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "FILING UNDER 37 C.F.R. § 1.48(a)" filed 04 February 2011, treated herein as a request to correct inventorship under 37 CFR 1.497(d).[1] Deposit Account number 08-2025 will be charged the required $130 processing fee.

BACKGROUND

On 29 May 2008, applicants filed international application PCT/US2008/065061. The application did not claim an earlier priority date, and it designated the United States. The deadline for payment of the basic national fee was 30 months from the priority date, i.e., 29 November 2010. The application named three applicant/inventors for the United States

On 24 November 2010, applicants 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 a declaration document executed by the three inventors of record.

On 10 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. The Notification in indicated that the declaration filed on 24 November 2010 was not acceptable because it was a compilation of multiple documents.

On 04 February 2011, applicants filed a response to the Notification Of Missing Requirements that included a revised declaration listing a fourth applicant/inventor accompanied by the materials considered herein as a request to correct inventorship under 37 CFR 1.497(d).

[1] The present submission refers to 37 CFR 1.48(a); however, where an applicant seeks to correct inventorship in an application entering the national stage under 35 U.S.C. 371, the applicable regulation is 37 CFR 1.497(d).

DISCUSSION

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

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

The revised declaration documents filed by applicants on 04 February 2011 names an inventive entity different than that set forth in the international application. Specifically, the declarations include Edward SAVAGE as an additional inventor. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

Applicants have provided the required statement of non-deceptive intent from the person to be added as an inventor, as well as the authorization to charge Deposit Account No. 08-2025 the required processing fee. Requirements (A) and (B) are therefore satisfied.

With respect to requirement (C), applicants have submitted a statement entitled "Consent Of Assignee To Correction Of Inventorship In A Patent Application Under 37 CFR § 1.48(a)" indicating that Hewlett-Packard Development Company, LP ("HP") is the assignee of the present application and that HP consents to the addition of Edward SAVAGE as an inventor. However, the person executing the statement, Curtis G. Rose, does not expressly state that he is authorized to act on behalf of HP and his title, "Director Of Patents," does not provide him with apparent authority to do so. See MPEP section 324(V). The statement therefore fails to provide the assignee's consent in compliance with 37 CFR 3.73(b). Until a properly executed statement of consent and statement under 37 CFR 3.73(b) are provided, requirement (C) of a grantable request under 37 CFR 1.497(d) is not satisfied.

In addition, the revised declaration document filed on 04 February 2011 is not acceptable as filed. As evident from the dates of the signatures, applicants have added the fourth inventor, Edward SAVAGE, to declarations that had already been executed by the other three inventors. As set forth in MPEP section 602.01: "The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed." Thus, the addition of the fourth inventor after the declaration was executed by the other inventors is improper. Any renewed request to correct inventorship under 37 CFR 1.497(d) filed herein must be accompanied by newly-executed declarations from each of the inventors that include all required information, including the name and citizenship of each of the inventors.

Finally, it is also noted that, as with the previously filed declarations, the declaration documents filed on 04 February 2011 are defective because the submission appears to consist of four different copies of a 3-page compilation of separately executed, two-page declarations. See MPEP § 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation is evident because each 3-page version of the declaration submitted includes a single copy of the first page and two different copies of "Page 2 of 2," each executed by a different inventor named thereon. Any subsequent submission here must include complete copies of the separate declarations executed by each of the inventors, without compilation.

CONCLUSION

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

The revised declaration documents filed 04 February 2011, which include Edward SAVAGE as an additional inventor, are defective on the present record for failure to properly identify the inventors currently of record. Moreover, the declarations are unacceptable because they were modified to include the fourth inventor after execution by the first three inventors, and because they were submitted as compilations of multiple documents.

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

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

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

/RichardMRoss/

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

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

In re Application of: GONZALEZ, Curt, et al.
U.S. Application No.: 12/994,554
PCT No.: PCT/US2008/065061
International Filing Date: 29 May 2008
Priority Date: 29 May 2008
Attorney's Docket No.: 200800207US01
For: CAP FOR A FLUID CONTAINER OUTLET

DECISION ON RENEWED REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the materials filed by applicants on 13 May 2011, treated herein as a renewed request to correct inventorship under 37 CFR 1.497(d). Applicants have previously paid the required $130 processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 06 April 2011. The decision dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d), finding that applicants' had not provided all the requirements for a grantable request. Specifically, applicants had not provided an acceptable statement of consent from the assignee or an acceptable declaration executed by each of the inventors.

On 13 May 2011, applicants filed materials in response to the 06 April 2011 decision, considered below.

DISCUSSION

Applicants' 13 May 2011 submission includes a revised "Statement Of Consent To Correction Of Inventorship In A Patent Application Under 37 CFR § 1.48(a)" in which an authorized representative of the assignee Hewlett-Packard Development Compnay, LP ("HP") expressly consents to the inclusion of inventor Edward SAVAGE as an additional inventor of record in the present application. This statement, in combination with the materials filed with applicants original request (including copies of the relevant assignments) provides the consent of the assignee in compliance with 37 CFR 3.73(b). This element of a grantable request to correct inventorship under 37 CFR 1.497(d) is therefore satisfied.

Applicants' 13 May 2011 submission also includes a revised declaration that names and is executed by all four inventors, including the added inventor, Edward SAVAGE. This declaration may be accepted under 37 CFR 1.497(a) and (b) for entry into the national stage in the United States.

Applicants have now satisfied all the outstanding requirements for a grantable request to correct inventorship under 37 CFR 1.497(d). The requested addition of Edward SAVAGE as an additional inventor of record in the present application is therefore appropriately granted.

CONCLUSION

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

The inventorship of record herein is corrected to add Edward SAVAGE as an additional inventor of record.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 13 May 2011.

/RichardMRoss/

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

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AUG 03 2011

PCT LEGAL ADMINISTRATION

BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH PA 15205

In re Application of:
GINDIN, Lyubov., K., et al.
U.S. Application No.: 12/994,584
PCT No.: PCT/US2009/003239
International Filing Date: 27 May 2009
Priority Date: 30 May 2008
Attorney's Docket No.: PO9112US/MD07-66
For: POLYURETHANE-POLYUREA DISPERSIONS BASED ON POLYCARBONATE-POLYOLS

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "PETITION TO ADD INVENTOR(S)" filed by applicants on 16 June 2011, considered here under 37 CFR 1.497(d).[1] Deposit Account No. 13-3848 will be charged the required $130 processing fee.

BACKGROUND

On 27 May 2009, applicants filed international application PCT/US2009/003239.. The application claimed a priority date of 30 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., 28 November 2010. The published international application identified four applicant/inventors for the United States.

On 24 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 and an application data sheet (ADS). The ADS listed the four applicant/inventors of record and three additional applicant/inventors: Thorsten RISCHE, Thomas FELLER, and Thomas MICHAELIS.

On 18 January 2011, 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.

[1] The materials submitted with the present petition refer to 37 CFR 1.48(a); however, 37 CFR 1.48(a) applies only to U.S. non-provisional applications. Where, as here, an applicant seeks to correct inventorship in an application entering the national stage in the United States under 35 U.S.C. 371, the applicable regulation is 37 CFR 1.497(d).

On 31 January 2011, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and a declaration executed by the four inventors of record and the three additional inventors named on the ADS.

On 15 April 2011, the DO/EO/US issued a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed on 31 January 2011 was not acceptable based on the inclusion of the three additional inventors.

On 16 June 2011, applicants filed the materials considered herein as a request under 37 CFR 1.497(d) (with the required three-month extension fee). The submission requests that Thorsten RISCHE, Thomas FELLER, and Thomas MICHAELIS be added to the present application as additional inventors of record.

DISCUSSION

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

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

The declaration filed by applicants on 31 January 2011 names an inventive entity different than that set forth in the international application. Specifically, Thorsten RISCHE, Thomas FELLER, and Thomas MICHAELIS have been added as additional inventors. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statements of non-deceptive intent from the persons to be added as inventors, as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted statements consenting to the requested change in inventorship executed on behalf of the two assignees, and such statements of consent have been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

Based on the above, applicants have satisfied the requirements for a grantable request to correct inventorship under 37 CFR 1.497(d). The request to add Thorsten RISCHE, Thomas FELLER, and Thomas MICHAELIS as additional inventors of record is therefore appropriately granted.

CONCLUSION

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

The inventorship of record herein is corrected to add Thorsten RISCHE, Thomas FELLER, and Thomas MICHAELIS as additional inventors of record.

In view of the correction of inventorship, the declaration filed on 31 January 2011 is now acceptable in compliance with 37 CFR 1.497(a) and (b).

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 31 January 2011.

/RichardMRoss/

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

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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.
12/994,608	11/24/2010	Takuya Ishida	09P01158US	4580

32968 7590 02/07/2011
KYOCERA INTERNATIONAL INC.
INTELLECTUAL PROPERY DEPARTMENT
P.O. BOX 928289
SAN DIEGO, CA 92192

EXAMINER

ART UNIT	PAPER NUMBER
3724	

NOTIFICATION DATE	DELIVERY MODE
02/07/2011	ELECTRONIC

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

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

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

KII-USPatents@kyocera.com
Kathleen.Connell@kyocera.com
Stephanie.Tinsley@kyocera.com

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KYOCERA INTERNATIONAL INC.
INTELLECTUAL PROPERY DEPARTMENT
P.O. BOX 928289
SAN DIEGO CA 92192

In re Application of: ISHIDA, TAKUYA Serial No.: 12/994,608 Filed: Nov. 24, 2010 Docket: 09P01158US Title: CUTTING INSERT, CUTTING TOOL AND CUTTING METHOD USING THE SAME	::	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 Nov. 24, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Boyer Ashley, SPE of Art Unit 3724 and 571-272-4502 for Class 407/42 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,627	02/01/2011	Takuya Ishida	09P01760US	4699

32968 7590 04/11/2011
KYOCERA INTERNATIONAL INC.
INTELLECTUAL PROPERY DEPARTMENT
P.O. BOX 928289
SAN DIEGO, CA 92192

EXAMINER
SWINNEY, JENNIFER B

ART UNIT	PAPER NUMBER
3724	

NOTIFICATION DATE	DELIVERY MODE
04/11/2011	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):

KII-USPatents@kyocera.com
Kathleen.Connell@kyocera.com
fumika.sakai.ke@kyocera.jp

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KYOCERA INTERNATIONAL INC.
INTELLECTUAL PROPERY DEPARTMENT
P.O. BOX 928289
SAN DIEGO CA 92192

In re Application of:	::	
ISHIDA, TAKUYA	::	
Serial No.: 12/994,627	:	DECISION ON REQUEST
Filed: Nov. 24, 2010	::	TO PARTICIPATE IN
Docket: 09P01760US		PATENT PROSECUTION
Title: CUTTING INSERT, CUTTING TOOL AND CUTTING METHOD USING THE SAME		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 Nov. 24, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Boyer Ashley, SPE of Art Unit 3724, and 571-272-4502 for Class 407/40 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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OFFICE OF PETITIONS

WORKMAN NYDEGGER
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE, CITY UT 84111

Applicant(s): JEANNETEAU, et al.
Appl. No.: 12/994,677
International Filing Date: May 27, 2009
Title: INPUT DEVICE
Attorney Docket No.: 16056.58
Pub. No.: US 2011/0193803 A1
Pub. Date: August 11, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 19, 2011, for the above-identified application.

The request is granted

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

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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DEC 17 2010

PCT LEGAL ADMINISTRATION

Pillsbury Winthrop Shaw Pittman, LLP
P.O. Box 10500
McLean, VA 22102

In re Application of
WILLIS, Christopher Jon
Application No.: 12/994,682
PCT No.: PCT/GB2009/050374
Int. Filing Date: 15 April 2009
Priority Date: 28 April 2008
Attorney Docket No.: 012140-0391219
For: IMAGE PROCESSING

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' 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 applicants have 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
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Fax: (571) 273-0459

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

MAILED
JUN 08 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
LU et al	:	
Application No.: 12/994,691	:	
PCT No.: PCT/CN2008/000192	:	PETITION
Int. Filing Date: 26 May 2008	:	
Priority Date: N/A	:	
Attorney's Docket No.: 66730/C982	:	
For: A Method And... Signals In A BCI	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION UNDER 37 CFR 1.182," filed on 13 April 2011, to accept entry of the above identified application into the national stage with the corrected PCT number of **PCT/SG2008/000192**. Petitioner has paid the petition fee of $400.00.

BACKGROUND

In a communication from this Office on 16 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 serial numbers.

On 13 April 2011, petitioner filed a petition under 37 CRF 1.182 stating that at the time of filing the application, the PCT number was incorrectly entered in the Transmittal letter and via electronic EFS-Web. The correct number is **PCT/SG2008/000192**.

DISCUSSION

Petitioner states that the international PCT number was incorrectly entered rather than the correct number **PCT/SG2008/000192** and that the correct number is on the Declaration/Power of Attorney, Preliminary Amendment and copy of the Published International application, which were filed accompanying the National Stage filing.

Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/SG2008/000192 for the national stage commencement.

Therefore, the petition to accept the correct PCT number of PCT/SG2008/000192 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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1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

MAILED
NOV 14 2011
PCT LEGAL ADMINISTRATION

In re Application of :
JEANNETEAU, Laurent, et al. :
Application No.: 12/994,700 (13/145,520) :
PCT No.: PCT/EP2009/003822 :
Int. Filing Date: 28 May 2009 :
Priority Date: 30 May 2008 : DECISION
Att. Docket No.: 16056.59 :
For: ASSEMBLY UNIT FOR AN INDUCTION HOB, INDUCTION HOB AND METHOD FOR MANUFACTURING AN ASSEMBLY UNIT :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371. This is also a decision on applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 21 July 2011.

BACKGROUND

On 24 November 2010, applicant filed paperwork for the national phase entry of PCT/EP2009/003822, accompanied by, *inter alia*, the basic national fee. It was assigned application no. 12/994,700.

On 20 November 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration and the surcharge for supplying the search fee, examination fee or oath or declaration after 30 months were required.

On 20 July 2011, applicant filed a set of paperwork for the national phase entry of PCT/EP09/03822, accompanied by, *inter alia*, a petition to revive. It was assigned application no. 13/145,520.

On 21 September 2011, the Office mailed decision on petition in 13/145,520 dismissing applicant's petition without prejudice for non-payment of the fees.

On 21 July 2011, applicants filed a declaration and petition to revive under 37 CFR 1.137(b) in 12/994,700.

DISCUSSION

Applicant has submitted multiple sets of papers for the national stage entry of international application number PCT/EP2009/003822. The end result for an international application designating the United States of America is a single U.S. national stage application. Although the PALM database did not recognize "PCT/EP2009/003822," and "PCT/EP09/03822," as equivalent application numbers, they do identify the same application. Therefore, the submission of multiple sets of national stage papers to enter the United States is improper. Accordingly, 12/994,700 and 13/145,520 are being consolidated into a single application, 12/994,700.

All future correspondence in regards to the national phase of PCT/EP2009/003822 should use 12/994,700.

Petition Under 37 CFR 1.137(b)

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 reply 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.

CONCLUSION

For the reasons discussed above, applicants' petition to revive under 37 CFR 1.137(b) is **GRANTED**. All future correspondence in regards to the national phase of PCT/EP2009/003822 should use 12/994,700.

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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MAILED
JUN 15 2011
PCT LEGAL ADMINISTRATION

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
Fairfax, VA 22033

In re Application of:
ENDLE et al.
Application No.: 12/994,722
PCT No.: PCT/FR2009/000610
Int. Filing Date: 27 May 2009
Priority Date: 05 June 2008
Attorney Docket No.: 4005/0412PUS1
For: METHOD FOR REMOTELY READING ELECTRIC METERS

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 30 March 2011 to accept the application without the signature of joint-inventor, Christophe ENDLE.

BACKGROUND

On 27 May 2009, applicants filed international application PCT/FR2009/000610 which claimed a priority date of 05 June 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, 05 December 2010.

On 24 November 2010, applicants filed a request for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 15 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 30 March 2011, applicants filed the present petition under 37 CFR 1.47(a) and two-month extension of time.

DISCUSSION

Applicants claim that co-inventor Christophe ENDLE refuses to cooperate in the above-captioned application.

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

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the nonsigning inventor via certified mail. The documents provided to Christophe ENDLE included instructions to sign and return the declaration. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

As to item (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 has been included with the present petition. However, the declaration submitted is not in compliance with 37 CFR 1.497(a)(3) which requires that the oath or declaration identify the inventor and country of citizenship of the inventor. In this case, the declaration does not include the citizenship of the first inventor (Christophe ENDLE). Since the declaration does not clearly identify the citizenship of the inventor, it is considered defective under 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1).

For the reasons stated above, it would not be appropriate to accept the application without the signature of Christophe ENDLE 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 should be 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
Telephone: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
Fairfax, VA 22033

MAILED
OCT 06 2011
PCT LEGAL ADMINISTRATION

In re Application of :
ENDLE et al. :
Application No.: 12/994,722 :
PCT No.: PCT/FR2009/000610 :
Int. Filing Date: 27 May 2009 :
Priority Date: 05 June 2008 :
Attorney Docket No.: 4005/0412PUS1 :
For: METHOD FOR REMOTELY READING ELECTRIC METERS :

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Response to Decision on Petition" filed 15 August 2011 treated herein as a Renewed Petition under 37 CFR 1.47(a). In a decision dated 15 June 2011, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Christophe ENDLE, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 15 August 2011 with the present petition was executed by the named inventor, the previous non-signing inventor, Christophe ENDLE. The declaration filed 15 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 27 May 2009 under 35 U.S.C. 363 and a date of 15 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

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:	12/994,732	Filing date:	11/24/2010
First Named Inventor:	Jürgen Breest		
Title of the Invention:	Method for producing a moulded skin and mould arrangement therefore		

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/EP2009/058493

The international filing date of the corresponding PCT application(s) is/are: 07/06/2009

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/994,732
First Named Inventor:	Jürgen Breest

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 04/08/2011

(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 04/08/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
16	1	Minor wording changes to conform to US practice.
17	2	Minor wording changes to conform to US practice.
18	3	Minor wording changes to conform to US practice and remove multiple-dependencies.
19	4	Minor wording changes to conform to US practice and remove multiple-dependencies.
20	5	Minor wording changes to conform to US practice and remove multiple-dependencies.
21	6	Minor wording changes to conform to US practice and remove multiple-dependencies.
22	7	Minor wording changes to conform to US practice and remove multiple-dependencies.
23	8	Minor wording changes to conform to US practice and remove multiple-dependencies.
24	9	Minor wording changes to conform to US practice and remove multiple-dependencies.
25	10	Minor wording changes to conform to US practice and remove multiple-dependencies.
26	11	Minor wording changes to conform to US practice and remove multiple-dependencies.
27	12	Minor wording changes to conform to US practice.
28	13	Minor wording changes to conform to US practice.
29	14	Minor wording changes to conform to US practice and remove multiple-dependencies.
30	15	Minor wording changes to conform to US practice and remove multiple-dependencies.

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

Signature /Margaret Polson/	Date April 13, 2011
Name (Print/Typed) Margaret Polson	Registration Number 42082

Privacy Act Statement

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

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

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

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,732	01/13/2011	Jürgen Breest	00006.P-RA02-500US	5437

85370 7590 06/07/2011
Oppedahl Patent Law Firm LLC (P&A)
12000 Pecos Street #252
Westminster, CO 80234

EXAMINER
JOHNSON, CHRISTINA ANN

ART UNIT	PAPER NUMBER
1742	

NOTIFICATION DATE	DELIVERY MODE
06/07/2011	ELECTRONIC

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

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

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

docket-oppedahl@oppedahl.com
mail-log@oppedahl.com

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CT

In re application of Jurgen Breest et al Serial No. 12/994,732 Filed: January 13, 2011 For: METHOD FOR PRODUCING A MOULDED SKIN AND MOULD ARRANGEMENT THEREFORE	: : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

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

The request and petition are **GRANTED**.

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

(1) The U.S. application 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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,741	11/24/2010	Kenzi Takahasi	12478-0100	5559

52044 7590 02/08/2011
SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
02/08/2011	PAPER

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600 ANTON BOULEVARD
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COSTA MESA CA 92626

In re Application of	**: DECISION ON REQUEST TO**
TAKAHASI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/994,741	**: PROSECUTION HIGHWAY**
Filed: 24 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 12478-0100	**: TO MAKE SPECIAL UNDER**
For: BULB-SHAPED LAMP AND LIGHTING 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 24 November 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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

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

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

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

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

Regarding the requirement of condition (1), applicant has failed to establish a valid claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO. Applicant is relying on JP 2010-529178 for the allowable claims. However, the instant application doesn't claim priority to this application. 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.

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

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

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

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

Lee W. Young
TQAS Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,741	11/24/2010	Kenzi Takahasi	12478-0100	5559

52044 7590 04/26/2011
SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
04/26/2011	PAPER

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COSTA MESA CA 92626

In re Application of	**: DECISION ON REQUEST TO**
TAKAHASI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/994,741	**: PROSECUTION HIGHWAY**
Filed: 24 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 12478-0100	**: TO MAKE SPECIAL UNDER**
For: BULB-SHAPED LAMP AND LIGHTING 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 24 November 2010 and renewed on 24 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,743	11/24/2010	Kenzi Takahasi	12478-0200	5572

52044 7590 02/08/2011
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EXAMINER	
ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
02/08/2011	PAPER

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600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of	**: DECISION ON REQUEST TO**
TAKAHASI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/994,743	**: PROSECUTION HIGHWAY**
Filed: 24 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 12478-0200	**: TO MAKE SPECIAL UNDER**
For: BULB-SHAPED LAMP AND LIGHTING 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 24 November 2010 and supplemented on 02 December 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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

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

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

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

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

Regarding the requirement of condition (1), applicant has failed to establish a valid claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO. Applicant is relying on JP 2010-529179 for the allowable claims. However, the instant application doesn't claim priority to this application. 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.

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

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

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

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

Lee W. Young
TQAS Technology Center 2800

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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.
12/994,743	11/24/2010	Kenzi Takahasi	12478-0200	5572

52044 7590 04/26/2011
SNELL & WILMER L.L.P. (Panasonic)
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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.

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In re Application of	**: DECISION ON REQUEST TO**
TAKAHASI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/994,743	**: PROSECUTION HIGHWAY**
Filed: 24 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 12478-0200	**: TO MAKE SPECIAL UNDER**
For: BULB-SHAPED LAMP AND LIGHTING 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 24 November 2010, supplemented on 02 December 2010, and renewed on 24 February 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <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

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:	12994750	Filing date:	6 December 2010
First Named Inventor:	SERGE NABUTOVSKY		
Title of the Invention:	LINK EXCHANGE 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/US2009/004493

The international filing date of the corresponding PCT application(s) is/are: 6 August 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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Under the 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.:	12994750
First Named Inventor:	SERGE NABUTOVSKY

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 6 December 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 6 December 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-17	1-17	Claims 1-17 in the U.S. national phase are identical to Claims 1-17 in the
		PCT application examined by KIPO as ISA for the written opinion

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

Signature /ROBERT B. LYONS/	Date 2011-05-24
Name (Print/Typed) ROBERT B. LYONS	Registration Number 40708

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.
12/994,750	12/06/2010	Serge Nabutovsky	30690.00	5619

37833 7590 07/08/2011
LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS, VA 20110

EXAMINER
HERNDON, HEATHER R

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
07/08/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS VA 20110

In re Application of: S. NABUTOVSKY
Application No. 12/994,750
Atty Docket #: **30690.00**
Filed: November 24, 2010
For: **LINK EXCHANGE 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 PCT-Patent Prosecution Highway **(PCT-PPH)** pilot program and the petition under 37 CFR 1.102(a), filed May 24, 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 national stage entry of the corresponding PCT application

Or

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) *a* national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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:		Filing date:	2010.11.26
First Named Inventor:	Paul Doyle		
Title of the Invention:	Referenced Inspection Device		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/045704

The international date of the corresponding PCT application(s) is/are: 2009.05.29

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:	Paul Doyle

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 2010.11.26

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

☐ Are attached.

Have already been filed in the above-identified U.S. application on 2010.11.26

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	identical claims

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

Signature /rwbarnesjr/	Date 2010.11.26
Name (Print/Typed) Rick Barnes	Registration Number 39,596

Privacy Act Statement

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

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

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

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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.
12/994,793	11/26/2010	Paul Doyle	64010.US	6060

60838 7590 02/09/2011
LNG/KLA JOINT CUSTOMER
C/O LUEDEKA, NEELY & GRAHAM, P.C.
P.O. BOX 1871
KNOXVILLE, TN 37901

EXAMINER

ART UNIT	PAPER NUMBER
2877	

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):

cwilliams@Lng-patent.com
sharden@Lng-patent.com
Rick@TheBarnesHome.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

LNG/KLA JOINT CUSTOMER
C/O LUEDEKA, NEELY & GRAHAM, P.C.
P.O. BOX 1871
KNOXVILLE TN 37901

In re Application of	**: DECISION ON REQUEST TO**
DOYLE et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/994,793	**: PROSECUTION HIGHWAY**
Filed: 26 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 64010.US	**: TO MAKE SPECIAL UNDER**
For: REFERENCED INSPECTION DEVICE	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 26 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

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MAILED

AUG 12 2011

PCT LEGAL ADMINISTRATION

KENING LI, Ph.D.
PINSENT MASONS LLP
c/o PM-IP USA, LLC
P. O. Box 341426
West Bethesda MD 20827

In re Application of GU, Minghai, et al. Application No.: 12/994,850 PCT No.: PCT/CN2009/000578 Int. Filing Date: 26 May 2009 Priority Date: 27 May 2008 Docket No.: 632416-07057 For: DUST REMOVAL METHOD USING BAGHOUSE FILTERS AND DUST REMOVAL APPARATUS THEREFOR	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 30 January 2011.

BACKGROUND

On 21 December 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors, a translation of the application and the surcharge for furnishing the search fee, examination fee or oath or declaration after thirty months were required.

On 30 January 2011, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors and the fee for a three month extension of time.

On 03 June 2011, applicants filed a declaration executed by the previously non-signing inventors.

On 25 July 2011, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the requirements under 35 USC 371(c)(1), (c)(2) and (c)(4) and all of 35 USC 371 were satisfied on 03 June 2011.

DISCUSSION

As applicants have obtained the cooperation of the previously non-signing inventors, this petition under 37 CFR 1.47(a) is moot. The $200 petition fee will be charged to deposit account no. 50-4930, as authorized.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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

APR 06 2011

PCT LEGAL ADMINISTRATION

KENING LI, Ph.D.
PINSENT MASONS LLP
c/o PM-IP USA, LLC
P. O. Box 341426
West Bethesda MD 20827

In re Application of	:	DECISION ON
GU et al	:	
Application No: 12/994,851	:	
PCT No.: PCT/CN2009/000579	:	
Int. Filing Date: 25 May 2009	:	PETITION UNDER
Priority Date: 27 May 2008	:	
Attorney's Docket No: 6321416-07054	:	
For: SYNTHESIS ENERGY SYSTEMS, INC.	:	37 CFR 1.47(a)

This is in response to the "PETITION FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.47(A)" filed on 30 January 2011.

BACKGROUND

On 27 November 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 27 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." The notice also indicated that the items must be submitted within two months from the mailing date of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 30 January 2011, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of one of the joint inventors, i.e., without the signature of Minghai GU, and a statement of facts from Mr. Chen.

> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

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

Regarding item (1), petitioner has been charged the petition fee of $200 under 37 CFR 1.17(g) to Deposit Account No.: 50-4930.

Regarding requirement (2), Mr. Chen's has not sufficiently demonstrated that a copy of the application papers were presented or mailed to the non-signing joint inventor, Mr. Minghai GU. Mr. Chen indicates that he called Mr. Gu at his cell phone on January 7, 2011 and offered to send him the application papers but he indicated that do not send the application papers to him and he would refused to join in the application. Mr. Chen called him again on January 13, 2011 offering to send him the application papers but Mr. Gu refused.

However, Mr. Chen has not mailed or presented the application papers(specification, including claims, drawings, and oath or declaration) as required under MPEP 409.03(d) to Mr. GU. Basically, Mr. Chen has only offered to send the application papers but has not mailed the application papers and shown that Mr. Gu has refused to accept delivery of such papers. Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing joint inventor for signature.

Consequently, the petition does not include sufficient factual proof that Mr. Gu refuses to sign the required papers as a complete set of the application papers were not presented to him.

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

Mr. Minghai Gu
526 Pine City Center
777 Zhao Jiabang Road
Shanghai 20032
China

Regarding time (4), petitioner has not provided a properly executed declaration with without the signature of Mr. Gu.

The declaration filed on 30 January 2011 is defective since it does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3), must identify each inventor. See MPEP § 602. In this instance, applicants submitted a composite declaration comprising of two sets of declarations, which one is incomplete since each set must be complete by having the correct number of pages and listing all the inventors. In this case only, one set is complete because it comprises of the three (3) pages of the declaration. The second set is incomplete because it only contains page 3 and does not have the other pages of the Declaration to make it a complete set. Therefore the Declaration is incomplete.

Copies of the same page is not part of a proper declaration since it is considered a set of complete declarations and each set must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

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

DECISION

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

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

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

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

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 05 2011
PCT LEGAL ADMINISTRATION

KENING LI, Ph.D.
PINSENT MASONS LLP
c/o PM-IP USA, LLC
P. O. Box 341426
West Bethesda MD 20827

In re Application of	:	DECISION ON
GU et al	:	
Application No: 12/994,851	:	
PCT No.: PCT/CN2009/000579	:	
Int. Filing Date: 25 May 2009	:	PETITION UNDER
Priority Date: 27 May 2008	:	
Attorney's Docket No: 6321416-07054	:	
For: SYNTHESIS ENERGY SYSTEMS, INC.	:	37 CFR 1.47(a)

This decision is in response to applicants' "RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.47(a)" submitted on 03 June 2011.

BACKGROUND

The decision by this Office dated 06 April 2011 indicated that items (2) and (4) had not been satisfied.

On 03 June 2011, petitioner filed this renewed petition accompanied, inter alia, a set of executed declarations signed by all the co-inventors.

DISCUSSION

The renewed petition has included an executed declaration signed by co-inventor Minghai Gu. The set of declarations is now signed by all the co-inventors.

Accordingly, the executed declaration submitted on 03 June 2011 complies with 37 CFR 1.497(a) and (b).

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

In this instance, the petition fee was properly paid as a petition was filed and decided as indicated on the decision mailed on 06 April 2011. As a result, the petition fee will not be refunded as the fee was neither by mistake or in excess of that required.

CONCLUSION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **03 June 2011.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : April 12,2011

In re Application of :

Yunquan Chen

Application No : 12994903

Filed : 29-Nov-2010

Attorney Docket No : PMTL0102PUSA

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 12,2011

The request is **APPROVED.**

The request was signed by John E. Nemazi (registration no. 30876) on behalf of all attorneys/agents associated with Customer Number 22045 . All attorneys/agents associated with Cusotmer Number 22045 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	Antoinette M. Tease, P.L.L.C.
Name2	Atty for Precision Medical Technology Ltd.
Address 1	PO Box 51016
Address 2	
City	Billings
State	MT
Postal Code	59105
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	12994903
Filing Date	29-Nov-2010
First Named Inventor	Yunquan Chen
Art Unit	3735
Examiner Name	
Attorney Docket Number	PMTL0102PUSA
Title	METHOD FOR AUTOMATIC ERROR DETECTION IN PRESSURE MEASUREMENT AND AN ELECTRONIC SPHYGMOMANOMETER

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22045

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	Antoinette M. Tease, P.L.L.C. Atty for Precision Medical Technology Ltd.
Address	PO Box 51016
City	Billings
State	MT
Postal Code	59105
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John E. Nemazi/
Name	John E. Nemazi
Registration Number	30876

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	12994904
Filing Date	29-Nov-2010
First Named Inventor	Yunquan Chen
Art Unit	3735
Examiner Name	
Attorney Docket Number	PMTL0101PUSA
Title	APPARATUS AND METHOD FOR DIGITAL SPHYGMOMANOMETER

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22045

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	Antoinette M. Tease, P.L.L.C. / Atty for Precision Medical Technology Ltd.
Address	PO Box 51016
City	Billings
State	MT
Postal Code	59105
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John E. Nemazi/
Name	John E. Nemazi
Registration Number	30876

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 12,2011

In re Application of :

Yunquan Chen

Application No : 12994904

Filed : 29-Nov-2010

Attorney Docket No : PMTL0101PUSA

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 12,2011

The request is **APPROVED.**

The request was signed by John E. Nemazi (registration no. 30876) on behalf of all attorneys/agents associated with Customer Number 22045 . All attorneys/agents associated with Cusotmer Number 22045 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	Antoinette M. Tease, P.L.L.C.
Name2	/ Atty for Precision Medical Technology Ltd.
Address 1	PO Box 51016
Address 2	
City	Billings
State	MT
Postal Code	59105
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

Confirm. No. 6741
930092-2079

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Igor Yuri KONYASHIN
Serial No.	:	12/994,905
Filing Date	:	February 15, 2011
For	:	WEAR PART WITH HARD FACING
Examiner	:	Daniel J. Schleis
Art Unit	:	1784
Conf. No.	:	6741

745 Fifth Avenue
New York, NY 10151

Filed via EFS-Web
March 12, 2012

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(d)

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

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

Dear Sir:

This Petition requests entry of the Amendment which is being file concurrently with this Petition. The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Account No. 50-0320.

01061122

REMARKS

The applicants request consideration and granting of this petition for the purpose of expediting prosecution for this application. As of this date, no substantive action has been issued by the Examiner for this application.

CONCLUSION

In view of these remarks and amendments, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are solicited. The Examiner is invited to call the undersigned to advance prosecution. The Commissioner is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: _____

Ronald R. Santucci
Reg. No. 28,988
Telephone: (212) 588-0800
Facsimile: (212) 588-0500

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE

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

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

Application No.:	12/994,905	First Named Inventor:	Igor Yuri Konyashin
Filing Date:	February 15, 2011	Attorney Docket No.:	930092-2079
Title of the Invention:	Wear Part with Hard Facing		

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

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

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

The corresponding PCT application number(s) is/are: PCT/IB2009/054029

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

I. List of Required Documents:

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

☑ is attached.

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

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

☑ is attached.

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

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

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 11/29/2010 & 1/19/2012

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

☐ are attached.

☑ have already been filed in the above-identified U.S. application on 11/29/2010 & 1/19/2012

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/994,905	First Named Inventor:	Igor Yuri Konyashin

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1	1	same except changing "characterized in that" to "wherein" in US claim
2	2	same
3-10	3-10	Same claim, except that multiple dependency has been deleted from US claim
11	11	same
12-14	12-14	Same claim, except that multiple dependency has been deleted from US claim

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

Signature	Date March 12, 2012
Name (Print/Typed) Ronald R. Santucci	Registration Number 28988

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 PA147812/PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/IB2009/054029	International filing date *(day/month/year)* 15 September 2009 (15.09.2009)	Priority date *(day/month/year)* 15 September 2008 (15.09.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ELEMENT SIX HOLDING 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 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 15 March 2011 (15.03.2011)
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/IB2009/054029	15.09.2009	15.09.2008

International Patent Classification (IPC) or both national classification and IPC
INV. C23C26/02 C23C30/00 C23C28/00

Applicant
ELEMENT SIX HOLDING 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 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:	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	Chalaftris, Georgios Telephone No. +31 70 340-8909

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2009/054029

Box No. I Basis of the opinion

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

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

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

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

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

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

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

5. Additional comments:

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

1. Statement

Novelty (N)	Yes:	Claims	1-20
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-14
	No:	Claims	15-20
Industrial applicability (IA)	Yes:	Claims	1-20
	No:	Claims	

2. Citations and explanations

   see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item VIII

Certain observations on the international application

1. The subject-matter of claim 1 is not clear because the compositional percentage ranges of Cr, Si, C and Me (Fe, Co, Ni) of the solid solution of the metal based phase of the wear resistant layer are not defined if they are based on volume or weight. Mutatis mutandis the same compositional ranges are not clear for the intermediate layer of the wear part or tool of the same claim. For the same reasons, the subject-matter of the independent method claim 15 is not clear.

2. The subject-matter of claims 1 and 15 are not clear because the compositions of the wear-resistant and intermediate layers are not 100% disclosed. The use of the wording "comprises" instead of "consists" leaves the reader in doubt as to what other elements or compounds are present in the claimed composition.

3. There is a discrepancy in the use of term "Murakhami" in claims 10 and 11 and the term "Murakami" in the description on page 11.

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 US 3 725 016 A (MAL M ET AL) 3 April 1973 (1973-04-03)

D2 US 6 649 682 B1 (BRETON ERNEST J [US] ET AL) 18 November 2003 (2003-11-18)

D3 US 4 731 253 A (DUBOIS SAMUEL C [US]) 15 March 1988 (1988-03-15)

D4 US 5 375 759 A (HIRAISHI MASAHIRO [JP] ET AL) 27 December 1994 (1994-12-27)

D5 GB 2 409 467 A (DAEWOO HEAVY IND & MACH [KR] DAEWOO HEAVY IND & MACH [KR]; DOOSAN INFR) 29 June 2005 (2005-06-29)

D6 US 4 136 230 A (PATEL MAHESH S) 23 January 1979 (1979-01-23)

2. NOVELTY (ART. 33(1) AND 33(2) PCT)

The subject-matter of claims 1-20 is novel over the cited prior art.

3. INVENTIVE STEP (ART. 33(1) AND 33(3) PCT)

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 15-20 does not involve an inventive step in the sense of Article 33(3) PCT.

3.1. Document D1 is considered to represent the closest prior art for the subject-matter of claim 15. D1 discloses (the references in parentheses applying to this document) a method of producing a wear part with a hard facing comprising the steps of: (a) providing a body formed of an iron group metal or alloy (col. 2, lines 58-59), (b) providing a composition of grains of a metal carbide and the components for a metal based phase comprising an iron-group metal, silicon and chromium, in particulate form (claim 1, example 1, col.1 and lines 11-23), (c) applying a layer of the composition to a surface of the body, (d) raising the temperature (around 1190-1200°C) of the layer and the surface of the body to above the liquidus of the components for the metal based phase and surface of the body, (e) maintaining the raised temperature for a period of time sufficient to create a metallurgical bond at the interface between the fused coating and the substrate (col. 3, lines 17-21), and (f) allowing the components and surface of the body to return to a temperature below the liquidus temperature (Example 1 and col.2, lines 11-20). The difference between D1 and claim 15 is that D1 does not refer to a maintenance of temperature above liquidus for a time between 30 seconds and 5 minutes, but this is a parameter that can be controlled by a person skilled in the art depending on the necessary time to metallurgically bond the hard facing onto the substrate (e.g. D5 refers to time of 5 minutes in claim 6 of D5). Therefore, the subject-matter of claims 15-17 and 19 does not involve an inventive step.

Moreover, as far as the subject-matter of claim 18 is concerned, D4 refers to the application of a hard facing alloy in the form of paste. Additionally, concerning the subject-matter of claim 20, the sintering temperature of a hard facing depends on its composition. Therefore, the subject-matter of claims 18 and 20 do not involve an inventive step.

3.2. The subject-matter of claims 15-20 does not involve an inventive step over documents D2 and D3 either. For more details, see Search Report.

4. INDUSTRIAL APPLICABILITY (ART. 33(1) AND 33(4) PCT)

The subject-matter of claims 1-20 is industrially applicable, and thus fulfils the requirements of Article 33(4) PCT.

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

Copy of the claims which were identified as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application - PCT/IB2009/054029

1. A wear part or tool comprising:
   - a body containing an iron-group metal or alloy,
   - a wear-resistant layer metallurgically bonded to a surface of the body through an intermediate layer ,

   characterised in that:
   - the wear-resistant layer comprises at least 13 vol. % of grains of metal carbide selected from the group consisting of WC, TiC, VC, ZrC, NbC, Mo_2C, HfC and TaC and grains of $(Cr,Me)_xC_y$ and a metal based phase comprising of a solid solution of 0.5 to 20% Cr, 0.2 to 15% Si, and 0.2 to 20% carbon , where Me is Fe, Co and/or Ni; and
   - the intermediate layer has a thickness of 0.05 to 1 mm and comprises Si in amount of 0.1 to 0.7 of that in the wear-resistant layer, chromium in amount of 0.1 to 0.6 of that in the wear-resistant layer and the metal of the metal carbide in amount of 0.2 to 0.6 of that in the wear-resistant layer.

2. A wear part or tool according to claim 1 wherein the $(Cr,Me)_xC_y$ grains are rounded and have a size of 1 to 30 μm.

3. A wear part or tool according to any preceding claim wherein the intermediate layer has a microstructure of dendritic eutectic crystals dispersed in a matrix comprising at least 50% of the iron-group metal of the body.

4. A wear part or tool according to any preceding claim wherein the wear resistant layer additionally comprises grains of a ceramic material selected from the group comprising oxides, nitrides, borides, carbo-nitrides, boro-nitrides.

5. A wear part or tool according to any preceding claims wherein the wear resistant layer additional comprises a super-hard ceramic material selected from diamond, cubic boron nitride, boron carbide and boron sub-oxide.

6. A wear part or tool according to any preceding claim wherein the amount of metal carbide grains and/or ceramic material grains in the wear resistant layer is greater than 40 vol. %.

7. A wear part or tool according to any preceding claim wherein the wear resistant layer is more wear and/or corrosion resistant than the body of the wear part or tool to which it is bonded.

8. A wear part or tool according to any preceding claim wherein the metal based phase of the wear resistant layer has a liquidus at or below 1160 deg.C.

9. A wear part or tool according to any preceding claim wherein the wear-resistant layer has thickness greater than 500 μm.

10. A wear part or tool according to any preceding claim wherein the grains of $(Cr,Me)_xC_y$ have a brown or yellow colour on a metallurgical cross-section after etching in Murakhami reagent at room temperature for 5 minutes or longer.

11. The wear part or tool according to claim 3 wherein the dendritic eutectic crystals have a brown or yellow colour on a metallurgical cross-section after etching in Murakhami reagent at room temperature for 5 seconds or longer.

12. A wear part or tool according to any preceding claim wherein the surface to which the wear resistant layer is bonded is non-planar.

13. A wear part or tool according to any preceding claim wherein the surface to which the wear resistant layer is bonded is rounded or curved.

14. A wear part or tool according to any preceding claim which is a mining pick, control valve, road-planing tool or hopper.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,922	11/29/2010	Makoto Aimura	SAA-129-A	6828

21828 7590 08/17/2011
CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER
BELLA, MATTHEW C

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
08/17/2011	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):

cbalaw@gmail.com
cbalaw@ameritech.net
wblackman@ameritech.net

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CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI MI 48375

In re Application of	**: DECISION ON REQUEST TO**
AIMURA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/994,922	**: PROSECUTION HIGHWAY**
Filed: 29 November 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: SAA-129-A	**: TO MAKE SPECIAL UNDER**
For: METHOD AND APPARATUS FOR IMAGIN	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 29 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 2600

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MAR 30 2011

PCT LEGAL ADMINISTRATION

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

In re Application of: HAMA, Seiji., et al.	:	
U.S. Application No.: 12/994,924	:	
PCT No.: PCT/JP2009/002049	:	DECISION
International Filing Date: 11 May 2009	:	(37 CFR 1.42)
Priority Date: 28 May 2008	:	
Attorney's Docket No.: MAEDA6.001APC	:	
For: PELVIC BELT	:	

This decision is issued in response to applicants' 29 November 2010 submission of a declaration executed on behalf of deceased co-inventor Masafumi OOTSUBO, considered herein as a request for status under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 11 May 2009, applicants filed international application PCT/JP2009/002049. The application claimed a priority date of 28 May 2008, and it designated the United States. On 03 December 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for payment of the basic national fee was 30 months from the priority date, i.e., 29 November 2010 (28 November 2010 was a Sunday).

On 29 November 2010, applicants filed materials to initiate the present national stage application including, among other items, payment of the basic national fee, an English translation of the international application, and a declaration executed by surviving co-inventor Seiji HAMA and on behalf of deceased co-inventor Masafumi OOTSUBO by his legal representative Setsuko OOTSUBO.

DISCUSSION

37 CFR 1.42 states in part:

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

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship

> of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the declaration must provide the citizenship, mailing address, and residence information for the legal representative **and** the name and citizenship of the deceased inventor. Here, the filed declaration provides the required information regarding the legal representative; however, the declaration does not comply with 37 CFR 1.497(b)(2) in that it does not provide separate citizenship information for the deceased inventor.

Because the filed declaration does not include all the information required by 37 CFR 1.497(b)(2), the declaration cannot be accepted under 37 CFR 1.42 and 37 CFR 1.497.

CONCLUSION

The request for status under 37 CFR 1.42 with respect to deceased inventor Masafumi OOTSUBO is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date this decision to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a revised oath or declaration executed on behalf of the deceased inventor by his legal representative containing all the information required under 37 CFR 1.497, including, as discussed above, the citizenship, residence, and mailing address of the legal representative and the name and citizenship 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.

/RichardMRoss/

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

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JAN 06 2012

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of: HAMA, Seiji., et al.	:	
U.S. Application No.: 12/994,924	:	
PCT No.: PCT/JP2009/002049	:	DECISION ON RENEWED
International Filing Date: 11 May 2009	:	SUBMISSION UNDER
Priority Date: 28 May 2008	:	37 CFR 1.42
Attorney's Docket No.: MAEDA6.001APC	:	
For: PELVIC BELT	:	

This decision is issued in response to applicants' "Renewed Submission Under 37 CFR § 1.42 & Applicant's Response to Decision on Papers Under 37 CFR § 1.42" filed on 27 May 2011. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 30 March 2011. The decision dismissed applicants' request for status under 37 CFR 1.42, finding that the declaration filed on 29 November 2010 did not include all required information with respect to the deceased inventor and his legal representative.

On 27 May 2011, applicants filed the "Renewed Submission Under 37 CFR § 1.42 & Applicant's Response to Decision on Papers Under 37 CFR § 1.42" considered herein, accompanied by a revised declaration.

DISCUSSION

The revised declaration filed on 27 May 2011 is again executed on behalf of deceased inventor inventor Masafumi OOTSUBO by his legal representative Setsuko OOTSUBO. The declaration specifically identifies Setsuko OOTSUBO as the legal representative of the deceased inventor, as required. In addition, the declaration sets forth the citizenship of the deceased inventor and the legal representative, as well as the mailing address and residence of the legal representative. The declaration therefore includes all information required under 37 CFR 1.497(b)(2).

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 with respect to deceased inventor Masafumi OOTSUBO is **GRANTED**.

Deposit Account No. 11-1410 will be charged the $65 small entity surcharge for filing the acceptable declaration later than thirty months after the priority date.

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
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CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

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MAY 20 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
SCHMIT, et al.	:	
U.S. Application No.: 12/994,927	:	DECISION ON PAPERS
PCT No.: PCT/EP2009/056763	:	
Int. Filing Date: 02 June 2009	:	UNDER 37 CFR 1.42
Priority Date: 02 June 2008	:	
Attorney's Docket No.: ETF0401US	:	
For: METHOD FOR PRODUCING PULVERIZED COAL	:	

This decision is in response to applicant's combined declaration and power of attorney filed 26 April 2011. The response is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 02 June 2009, applicant filed the above-referenced international application, which claimed a priority date of 02 June 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 December 2009. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 02 December 2010.

On 29 November 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee and a preliminary amendment.

On 27 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 26 April 2011, applicant filed the declaration discussed herein accompanied by a petition for a two-month extension of time and payment of the extension of time fee. The response is timely filed.

Application No.: 12/994,927

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

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

An examination of the filed declaration and power of attorney finds that the document lists the post office, residence and citizenship for both the deceased joint inventor Guy Junk and the legal representatives to his estate, Claude Junk and Benoit Junk. In addition, this information has been provided for the additional inventors listed on the published international application. The declaration has been executed by the legal representatives and the additional listed inventors. As such, the declaration is in compliance with 37 CFR 1.497(a)-(b).

In light of the above, it is proper to grant applicant's request at this time.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 02 June 2009 and will be given a date of **26 April 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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PCT LEGAL ADMINISTRATION

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

In re Application of	:	
BANINE, Vadine, et al.	:	
Application No.: 12/994,930	:	DECISION ON
PCT No.: PCT/EP2009/055380	:	
Int. Filing Date: 05 May 2009	:	PETITION
Priority Date: 30 May 2008	:	
Attorney Docket No.: 081468.0390920	:	UNDER 37 CFR 1.182
For: RADIATION SYSTEM, ...	:	
SPECTRAL PURITY FILTER	:	

This decision is in response to applicants' response to the Notification of Missing Requirements, filed with the United States Patent and Trademark Office on 28 March 2011. It is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 29 November 2010, applicants filed a transmittal letter to enter the national phase under 35 USC 371, accompanied by, *inter alia*, a declaration of the inventors and the basic national fee.

On 25 June 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. It noted that the name of inventor Loopstra on the declaration did not match the inventor's name in the international application. Further it indicated that the declaration was a composite.

On 28 March 2011, applicants filed this petition under 37 CFR 1.182 indicating that inventor Loopstra's name was as indicated on the declaration and application data sheet. It included all pages of the declaration and the $130 surcharge for furnishing the search fee, examination fee or oath or declaration after 30 months.

DISCUSSION

Applicants have explained that the inventor listed as on the international application as "Johannes Loopstra" is named "Erik Roelof Loopstra". The $400 petition fee will be charged to deposit account no. 03-3975, as authorized.

Further, in accordance with a policy change, composite declarations are being accepted for the purposes of 35 USC 371(c)(4) and 37 CFR 1.495(c). As such, the surcharge fee for late furnishing of the search fee, examination fee or oath or declaration is not required. The 29 November 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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/994,980	03/09/2011	Alexandra Benchoua	02970-23778US01	7195

23446 7590 11/29/2011
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER
FERNANDEZ, SUSAN EMILY

ART UNIT	PAPER NUMBER
1651	

NOTIFICATION DATE	DELIVERY MODE
11/29/2011	ELECTRONIC

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

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

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

mhmpto@mcandrews-ip.com

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

Applicant: Benchoua et al.
Appl. No.: 12/994,980
Filing Date: March 9, 2011
Title: METHOD AND MEDIUM FOR NEURAL DIFFERENTIATION OF PLURIPOTENT CELLS
Attorney Docket No.: 02970-23778US01
Pub. No.: US 2011/0229441 A1
Pub. Date: September 22, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 9, 2011, for the above-identified application.

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

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

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. In addition, the applicant 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: 12/02/2011 KKING1
11/09/2011 INTEFSW 00009084 130017 12994980
01 FC:1504 300.00 CR

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

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

MAILED
APR 01 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
YAMAMOTO, Seiichi, et al.	:	
Application No.: 12/995,010	:	DECISION ON
PCT No.: PCT/JP2009/058766	:	
Int. Filing Date: 11 May 2009	:	REQUEST
Priority Date: 29 May 2008	:	
Attorney's Docket No.: 371534US6PCT	:	UNDER 37 CFR 1.42
For: METHOD AND APPARATUS FOR	:	
UPGRADING COAL	:	

This is a decision on applicants' 29 November 2010, submission of a declaration containing an indication that a joint inventor is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 29 November 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventors.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration lists the inventors and their citizenships and lists the legal representative and her citizenship, residence and postal address. See 37 CFR 1.497. As such, the declaration would comply with 37 CFR 1.42 and 1.497(a)-(b), but the declaration contains foreign language text. The declaration is not a USPTO form and is not accompanied by a statement that the English text is an accurate translation of the foreign text. See 37 CFR 1.69. A statement that the English text is an accurate translation of the Japanese or a new oath or declaration is required.

CONCLUSION

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

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED
AUG 03 2011
PCT LEGAL ADMINISTRATION

In re Application of :
YAMAMOTO, Seiichi, et al. :
Application No.: 12/995,010 :
PCT No.: PCT/JP2009/058766 :
Int. Filing Date: 11 May 2009 :
Priority Date: 29 May 2008 :
Attorney's Docket No.: 371534US6PCT :
For: METHOD AND APPARATUS FOR :
UPGRADING COAL :

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This is a decision on applicants' renewed Request For Status Under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 01 June 2011.

BACKGROUND

On 01 April 2011, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicants' request and setting a two month period for reply.

On 01 June 2011, applicants filed this renewed response.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration lists the inventors and their citizenships and lists the legal representative and her citizenship, residence and postal address, complying with 37 CFR 1.42 and 1.497(a)-(b). Applicants have now furnished a statement that the translation of the Japanese into English is accurate.

CONCLUSION

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of
W. Jean Dodds
Application No. 12/995,037
Filed: November 29, 2010
Attorney Docket No. 058034-012703

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 29, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes a statement from a registered practitioner that he has evidence that inventor W. Jean Dodds is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The matter is being referred to the Office of Patent Application Processing for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOUIS C. PAUL
LOUIS C. PAUL & ASSOCIATES, PLLC
150 EAST 58TH STREET, 34TH FLOOR
NEW YORK NY 10155

MAILED
DEC 27 2010
OFFICE OF PETITIONS

In re Application of	:	
Donald R. OWEN	:	
Application No. 12/995,049	:	DECISION ON PETITION
Filed: November 29, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 533-1002-140-US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 29, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement made by registered attorney Louis C. Paul, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred back to the Office of Data Management for processing. This application will be accorded "special" status when pre-examination processing is done.

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

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.
12/995,061	02/17/2011	Hiroyuki Ishii	17470/103001	7598

22511 7590 07/26/2011
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
KIZOU, HASSAN

ART UNIT	PAPER NUMBER
2472	

NOTIFICATION DATE	DELIVERY MODE
07/26/2011	ELECTRONIC

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

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

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

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: Ishii et al.
Application No. 12/995061
Filed: 02/17/11
For: MOBILE COMMUNICATION METHOD, MOBILE STATION, AND RADIO BASE STATION

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 16, 2011 to make the above-identified application special.

The petition is **GRANTED.**

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

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

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

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

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h) if filed before May 25, 2010.

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

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-3612.

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

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

__/Tod Swann/_____
Tod Swann
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 19 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
CHRISTENSEN et al.	:	
Application No.: 12/995,099	:	DECISION
PCT No.: PCT/DK2008/000185	:	
Int. Filing Date: 16 May 2008	:	
Priority Date: None	:	
Attorney Docket No.: 30120/32013	:	
For: CARCASS CLEANING METHOD,	:	
DEVICE AND MACHINE	:	

This decision is in response to applicants' submission filed 29 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 May 2008, applicants filed international application PCT/DK2008/000185 which designated the U.S. and did not claim a priority date. 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 16 November 2010.

On 29 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 29 November 2010.

As to item (2), applicant submitted the petition fee on 29 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.

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

23448
INTELLECTUAL PROPERTY/TECHNOLOGY LAW
P.O. Box 14329
Research Triangle Park, NC 27709

MAILED

JAN 26 2011

PCT LEGAL ADMINISTRATION

In re Application of
WANG *et al*
U.S. Application No.: 12/995,115
PCT No.: PCT/CN2009/070677
Int. Filing Date: 06 March 2009
Priority Date: 01 April 2008
Docket No.: 4371-122
For: METHOD AND SYSTEM FOR SUPPORTING EMERGENT SERVICE ON HIGH RATE PACKET DATA ACCESS NETWORK, AND PACKET CONTROL FUNCTION ENTITY

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 29 November 2010 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

United States Patent and Trademark Office

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

MAILED

FEB 28 2011

PCT LEGAL ADMINISTRATION

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

In re Application of :
Neven et al. :
Application No. 12/995,126 :
PCT No.: PCT/EP2009/056369 :
Int. Filing Date: 26 May 2009 : DECISION
Priority Date: 29 May 2008 :
Atty. Docket No.: DECLE192.001APC :
For: Water Soluble Curcumin Compositions :
For Use In Anti-Cancer And Anti-Inflam... :

This is in response to the declaration of the inventors filed on 23 February 2011, which is being addressed under 37 CFR 1.42.

BACKGROUND

This international application was filed on 26 May 2009, claimed an earliest priority date of 29 May 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 03 December 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 29 November 2010. Applicant filed *inter alia* the basic national fee on 29 November 2010.

On 27 December 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Review of the declaration filed on 23 February 2011 reveals that it has been signed on behalf of inventor Jacques Delarge by Eva Scheer, 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 legal representative, and that it identifies the citizenship of the deceased inventor. As such, the declaration satisfies 37 CFR 1.497(b)(2).

Further inspection of the declaration reveals that the residence address of Natacha Rocks was altered (changed from "same" to the hand-written address) without being initialed. As such, it would not be appropriate to accept the declaration for purposes of compliance with 37 CFR 1.497(a) and (b). This defect could be cured by providing a newly-executed declaration by Ms. Rocks, nominating the entire inventive entity and providing correct data pertaining to her.

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

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

JUN 28 2011

PCT LEGAL ADMINISTRATION

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

In re Application of :
Neven et al. :
Application No. 12/995,126 :
PCT No.: PCT/EP2009/056369 :
Int. Filing Date: 26 May 2009 : DECISION
Priority Date: 29 May 2008 :
Atty. Docket No.: DECLE192.001APC :
For: Water Soluble Curcumin Compositions :
For Use In Anti-Cancer And Anti-Inflam... :

This is in response to the renewed submission under 37 CFR 1.42 filed on 28 April 2011.

DISCUSSION

In a Decision mailed on 28 February 2011, the declaration filed on 23 February 2011 was not accepted under 37 CFR 1.42, without prejudice, because

> Further inspection of the declaration reveals that the residence address of Natacha Rocks was altered (changed from "same" to the hand-written address) without being initialed. As such, it would not be appropriate to accept the declaration for purposes of compliance with 37 CFR 1.497(a) and (b). This defect could be cured by providing a newly-executed declaration by Ms. Rocks, nominating the entire inventive entity and providing correct data pertaining to her.

In response, counsel has filed an acceptable declaration signed by Natacha Rocks. However, in view of current policy, it now would be appropriate to accept the declaration as filed on 23 February 2011, 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 **23 February 2011**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/995,144	11/29/2010	Kota Iwamoto	Q121837	8136

23373 7590 06/13/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
2157	

NOTIFICATION DATE	DELIVERY MODE
06/13/2011	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of: IWAMOTO et al. Application No. 12/995,144 Atty Docket #: Q121837 Filed: November 29, 2010 For: **DATA RETRIEVAL DEVICE**	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway **(PCT-PPH)** pilot program and the petition under 37 CFR 1.102(a), filed November 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 national stage entry of the corresponding PCT application

Or

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) *a* national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

Commissioner for Patents
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
AUG 02 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
GERSDORFF, Markus, et al.	:	
Application No.: 12/995,170	:	DECISION ON
PCT No.: PCT/EP2009/056768	:	
Int. Filing Date: 03 June 2009	:	PETITION
Priority Date: 03 June 2008	:	
Attorney Docket No.: 12000001-0026-002	:	UNDER 37 CFR 1.182
For: METHOD AND APPARATUS ...	:	
SUBSTITUTED PARA-XYLYLENE	:	

This decision is in response to applicants' response to the Notification of Missing Requirements, filed with the United States Patent and Trademark Office on 11 May 2011. It is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 07 December 2010, applicants filed a declaration of the inventors.

On 26 April 2011, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. It noted that while the international application lists inventor Baskar Pagadala Gopi, the name of inventor on the declaration is Pagadala Gopi Baskar.

On 11 May 2011, applicants filed this petition under 37 CFR 1.182 indicating that the inventor's name is correctly listed on the declaration as BASKAR, Pagadala Gopi.

DISCUSSION

Applicants have explained that the inventor's name is Pagadala Gopi Baskar. The $400 petition fee will be charged to deposit account no. 19-3140, as authorized.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being referred to the national phase processing branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/995,203	11/30/2010	Ryousuke Nukushina	SYT-113-A	8600

21828 7590 02/01/2011
CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER

ART UNIT	PAPER NUMBER
1747	

NOTIFICATION DATE	DELIVERY MODE
02/01/2011	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):

cbalaw@gmail.com
cbalaw@ameritech.net
wblackman@ameritech.net

UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 31, 2011 BC

In re application of	:	DECISION ON REQUEST TO
Ryousuke Nukushina	:	PARTICIPATE IN PATENT
Serial No. 12/995,203	:	PROSECUTION HIGHWAY
Filed: November 30, 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 and the petition under 37 CFR 1.102(a) to make the above-identified application special filed January 07, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

(6) Applicant must submit:

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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.:	12/995,237	Filing Date:	November 30, 2010
First Named Inventor:	Masaki YAMAUCHI et al.	Attorney Docket No.:	2010_1624A
Title of the Invention:	MEMBRANE-ELECTRODE-ASSEMBLY AND FUEL CELL		

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/JP2009/005739

The international date of the corresponding PCT application(s) is/are: October 29, 2009

I. List of Required Documents:

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

[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 30, 2010.

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

[ ] Are attached.
[X] Have already been filed in the above-identified U.S. application on November 30, 2010.

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

Under the 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.:	12/995,237
First Named Inventor:	Masaki YAMAUCHI et al.

II. Claims Correspondence Table:

Claims in US Application (after Preliminary Amendment)	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claims are the same
2	2	Claims are the same
3	3	Claims are the same except the U.S. application claim is not a multiple dependent claim
4	4	Claims are the same except the U.S. application claim is not a multiple dependent claim
5	5	Claims are the same
6	6	Claims are the same
7	7	Claims are the same except the U.S. application claim is not a multiple dependent claim
8	8	Claims are the same
9	9	Claims are the same except the U.S. application claim is not a multiple dependent claim
10	10	Claims are the same
11	11	Claims are the same except the U.S. application claim is not a multiple dependent claim
12	12	Claims are the same
13	13	Claims are the same except the U.S. application claim is not a multiple dependent claim
14	14	Claims are the same
15	15	Claims are the same
16	16	Claims are the same except the U.S. application claim is not a multiple dependent claim
17	17	Claims are the same except the U.S. application claim is not a multiple dependent claim
18	18	Claims are the same

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

Signature /Charles R Watts/ 2010.11.30 14:32:23 -05'00'	Date: November 30, 2010
Name: (Print/Type) Charles R. Watts	Registration No. 33,142

特許協力条約

発信人　日本国特許庁（国際調査機関）

受付 22.2.10

代理人
田中光雄
様

あて名
〒540-0001
大阪府大阪市中央区城見１丁目３番７号
ＩＭＰビル青山特許事務所

ＰＣＴ
国際調査機関の見解書
（実施行規則第40条の2）
［ＰＣＴ規則43の2.1］

発送日 （日，月，年）　０９．０２．２０１０	
出願人又は代理人 の書類記号　P05482PO	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／ＪＰ２００９／００５７３９	（日，月，年）　２９．１０．２００９	（日，月，年）　２１．１０．２００８

国際特許分類（ＩＰＣ）Int.Cl. H01M4/96(2006.01)i, H01M4/86(2006.01)i, H01M4/88(2006.01)i, H01M8/02(2006.01)n, H01M8/10(2006.01)n

出願人（氏名又は名称）
パナソニック株式会社

１．この見解書は次の内容を含む。

- [x] 第Ⅰ欄　見解の基礎
- [ ] 第Ⅱ欄　優先権
- [ ] 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- [ ] 第Ⅳ欄　発明の単一性の欠如
- [x] 第Ⅴ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- [x] 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
２６．０１．２０１０

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　４Ｘ　９３４７ 守安　太郎 電話番号　０３－３５８１－１１０１　内線　３４７７

様式ＰＣＴ／ＩＳＡ／２３７（表紙）（２００７年４月）

外国方式

国際調査機関の見解書

国際出願番号 PCT/JP2009/005739

第1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/JP2009/005739

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

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

2. 文献及び説明

文献1：EP 0917226 A2 (MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.) 1999.05.19, claim1-claim3, [0009]-[0015], [0056]
& JP 11-144740 A, 【請求項1】-【請求項3】, 【0014】-【0021】, 【0060】
& US 6194094 B1

文献2：US 2007/0202388 A1 (Koehler et al.) 2007.08.30, claim1, claim2, [0013]-[0029]
& JP 2007-527103 A, 【請求項1】, 【請求項2】, 【0012】-【0026】
& WO 2005/086271 A1

文献3：EP 1517392 A1 (Honda Giken Kogyo Kabushiki Kaisha) 2005.03.23, [0048] & JP 2004-31134 A, 【0047】& US 2005/0233181 A1

文献4：JP 2005-197150 A（トヨタ自動車株式会社）2005.07.21, 【0048】-【0051】

文献5：JP 9-245801 A（田中貴金属工業株式会社）1997.09.19, 【請求項3】, 【0010】

請求の範囲1-18

請求項1-18に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、また、国際調査報告で引用された何れの文献に対しても進歩性を有する。

文献1には、アノードガス拡散層の多孔度及びカソードガス拡散層の多孔度の両方、または、カソードガス拡散層の多孔度のみを60%以下とすることについては記載されているが、アノードガス拡散層の多孔度のみを60%以下とすることについては実質的に記載されていない。また、文献2～4には、カソードガス拡散層の多孔度をアノードガス拡散層の多孔度より大きくすることについて記載されているが、アノードガス拡散層の多孔度を60%以下にすることについては記載されていない。そして、文献5に記載されるように、アノードガス拡散層の多孔度は、60%以上であることが一般的である。

したがって、請求の範囲1-18に係る発明は、国際調査報告に引用された何れの文献にも開示されていないものであるし、また、当業者といえども容易に想到し得ないものである。

国際調査機関の見解書

国際出願番号　PCT／JP2009／005739

第VI欄　ある種の引用文献

1、　ある種の公表された文書（PCT規則43の2.1及び70.10）

出願番号 特許番号	公知日 （日、月、年）	出願日 （日、月、年）	優先日（有効な優先権の主張） （日、月、年）
JP 2009-076451 A 「E, X」	09.04.2009	25.08.2008	24.08.2007

2、　書面による開示以外の開示（PCT規則43の2.1及び70.9）

書面による開示以外の開示の種類	書面による開示以外の開示の日付 （日、月、年）	書面による開示以外の開示に言及している書面の日付（日、月、年）

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Masaki YAMAUCHI et al. :

Serial No. : Attorney Docket No.

Filed: :

For: MEMBRANE-ELECTRODE-ASSEMBLY AND FUEL CELL

VERIFICATION OF ENGLISH TRANSLATION

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

Sir:

I, Mitsuo WADA, of AOYAMA & PARTNERS, located at IMP Building, 1-3-7, Shiromi, Chuo-ku, Osaka 540-0001, Japan, a translator, herewith declare that I am conversant in both the Japanese and English languages and that the English translation as attached hereto is an accurate translation of the Written Opinion of the International Searching Authority of PCT Application No. PCT/JP2009/005739 filed on October 29, 2009.

Signed this 17th day of November, 2010.

Mitsuo WADA

PATENT COOPERATION TREATY

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)*	09. 02. 2010
Applicant's or agent's file reference P054821P0	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/005739	29. 10. 2009	31. 10. 2008

International Patent Classification (IPC) or both national classification and IPC
H01M4/96(2006.01)i, H01M4/86(2006.01)i, H01M4/88(2006.01)i, H01M8/02(2006.01)n, H01M8/10(2006.01)n

Applicant
Panasonic Corporation

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

- [X] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [X] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- [X] 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
Japan Patent Office Facsimile No.	26. 01. 2010	Taro MORIYASU Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/005739

Box No. I **Basis of this opinion**

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

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

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

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

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

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/008729

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

1. Statement

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

2. Citations and explanations:

Document 1: EP 0917226 A2 (MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.) 1999. 05. 19, claim 1-claim 3, [0009]-[0015], [0056] & JP11-144740 A, claim 1-claim 3, [0014]-[0021], [0060] & US 616194094 B1

Document 2: US 2007/0202388 A1 (Koehler et al.) 2007. 08. 30, claim 1, claim 2, [0013]-[0029] & JP2007-527103 A, claim 1, claim 2, [0012]-[0026] & WO 2005/086271 A1

Document 3: EP 1517392 A1 (Honda Giken Kogyo Kabushiki Kaisha) 2005. 03. 23, [0048] & JP 2004-31134 A, [0047] & US 2005/0233181 A1

Document 4: JP 2005-197150 A (TOYOTA MOTOR CORPORATION) 2005. 07. 21, [0048]-[0051]

Document 5: JP 9-245801 A (Tanaka Kikinzoku Kogyo Co., Ltd.) 1997. 09. 19, claim 3, [0010]

Claims 1-18

The inventions of claims 1-18 are not disclosed in any of the documents cited in the International Search Report, and have an inventive step over any of the documents cited in the International Search Report.

The Document 1 discloses that the porosity of both the anode gas diffusion layer and the cathode gas diffusion layer, or the porosity of only the cathode gas diffusion layer is set to 60% or less. However, setting only the porosity of the anode gas diffusion layer to 60% or less is not substantially disclosed in it. Further, the Documents 2-4 disclose that the porosity of the cathode gas diffusion layer is made higher than the porosity of the anode gas diffusion layer. However, setting the porosity of the anode gas diffusion layer to 60% or less is not disclosed in them. As described in the Document 5, the porosity of the anode gas diffusion layer is generally 60% or more.

Therefore, the inventions of claims 1-18 are not disclosed in any of the documents cited in the International Search Report, and also could not have been easily conceived even by a person skilled in the art.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/005739

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

Application No. Patent No.	Publication date *(day/month/year)*	Filing date *(day/month/year)*	Priority date (valid claim) *(day/month/year)*
JP 2009-076451 A [E, X]	09.04.2009	25.08.2008	24.08.2007

2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure *(day/month/year)*	Date of written disclosure referring to non-written disclosure *(day/month/year)*

【書類名】請求の範囲
【請求項１】
高分子電解質膜と、
前記高分子電解質膜を挟んで互いに対向する一対の触媒層と、
前記高分子電解質膜及び前記一対の触媒層を挟んで互いに対向するアノードガス拡散層及びカソードガス拡散層と、を有し、
前記アノードガス拡散層は、導電性粒子と高分子樹脂とを主成分とした多孔質部材で構成され、
前記アノードガス拡散層の多孔度は、６０％以下であり、
前記カソードガス拡散層の多孔度は、前記アノードガス拡散層の多孔度より大きい、
膜電極接合体。
【請求項２】
前記アノードガス拡散層の多孔度は、４２％以上である、請求項１に記載の膜電極接合体。
【請求項３】
前記カソードガス拡散層の多孔度は、６０％より大きい、請求項１又は２に記載の膜電極接合体。
【請求項４】
前記カソードガス拡散層の厚さは、前記アノードガス拡散層の厚さより薄い、請求項１～３のいずれか１つに記載の膜電極接合体。
【請求項５】
前記アノードガス拡散層及び前記カソードガス拡散層の厚さは、１５０μｍ以上６００μｍ以下である、請求項４に記載の膜電極接合体。
【請求項６】
前記アノードガス拡散層及び前記カソードガス拡散層の厚さは、２００μｍ以上４００μｍ以下である、請求項５に記載の膜電極接合体。
【請求項７】
前記カソードガス拡散層は、導電性粒子と高分子樹脂とを主成分とした多孔質部材で構成されている、請求項１～６のいずれか１つに記載の膜電極接合体。
【請求項８】
前記カソードガス拡散層の多孔度は、７６％以下である、請求項７に記載の膜電極接合体。
【請求項９】
前記アノードガス拡散層及び前記カソードガス拡散層に含まれる前記導電性粒子は、平均粒子径が異なる２種類のカーボン材料で構成されている、請求項７又は８に記載の膜電極接合体。
【請求項１０】
前記アノードガス拡散層に含まれる平均粒子径が異なる２種類のカーボン材料は、平均粒子径が小さいカーボン材料と、平均粒径が大きいカーボン材料との配合比率が、１：０．７～１：２である、請求項９に記載の膜電極接合体。
【請求項１１】
前記カソードガス拡散層に含まれる高分子樹脂の単位体積当たりの重量は、前記アノードガス拡散層に含まれる高分子樹脂の単位体積当たりの重量より大きい、請求項７～１０のいずれか１つに記載の膜電極接合体。
【請求項１２】
前記アノードガス拡散層及び前記カソードガス拡散層は、前記高分子樹脂を１０重量％以上１７重量％以下含む、請求項１１に記載の膜電極接合体。
【請求項１３】
前記アノードガス拡散層及び前記カソードガス拡散層は、前記高分子樹脂よりも少ない重量の炭素繊維を含んでいる、請求項７～１２のいずれか１つに記載の膜電極接合体。

【請求項１４】
前記カソードガス拡散層に含まれる炭素繊維の単位体積当たりの重量は、前記アノードガス拡散層に含まれる炭素繊維の単位体積当たりの重量より大きい、請求項１３に記載の膜電極接合体。
【請求項１５】
前記アノードガス拡散層及び前記カソードガス拡散層は、前記炭素繊維を２．０重量％以上７．５重量％以下含む、請求項１４に記載の膜電極接合体。
【請求項１６】
前記炭素繊維は、気相成長法炭素繊維、ミルドファイバー、チョップファイバーのうちのいずれか１つである、請求項１３～１５のいずれか１つに記載の膜電極接合体。
【請求項１７】
請求項１～１６のいずれか１つに記載の膜電極接合体と、
前記膜電極接合体を挟むように配置された一対のセパレータと、
を備える、燃料電池。
【請求項１８】
前記燃料電池を運転する際に、前記燃料電池に供給される燃料ガス及び酸化剤ガスの露点は、前記燃料電池の運転温度より低い、請求項１７に記載の燃料電池。

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Masaki YAMAUCHI et al. :

Serial No. : Attorney Docket No.

Filed: :

For: MEMBRANE-ELECTRODE-ASSEMBLY AND FUEL CELL

VERIFICATION OF ENGLISH TRANSLATION

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

Sir:

I, Mitsuo WADA, of AOYAMA & PARTNERS, located at IMP Building, 1-3-7, Shiromi, Chuo-ku, Osaka 540-0001, Japan, a translator, herewith declare that I am conversant in both the Japanese and English languages and that the English translation as attached hereto is an accurate translation of the claims of PCT Application No. PCT/JP2009/005739 filed on October 29, 2009.

Signed this 17th day of November, 2010.

Mitsuo WADA

CLAIMS

1. A membrane-electrode-assembly, comprising:

a polymer electrolyte membrane;

a pair of catalyst layers opposed to each other to interpose the polymer electrolyte membrane therebetween; and

an anode gas diffusion layer and a cathode gas diffusion layer opposed to each other to interpose the polymer electrolyte membrane and the paired catalyst layers therebetween, wherein

the anode gas diffusion layer includes a porous member mainly including conductive particles and a polymeric resin,

a porosity of the anode gas diffusion layer is 60% or less, and

a porosity of the cathode gas diffusion layer is larger than that of the anode gas diffusion layer.

2. The membrane-electrode-assembly according to claim 1, wherein the porosity of the anode gas diffusion layer is 42% or more.

3. The membrane-electrode-assembly according to claim 1, wherein the porosity of the cathode gas diffusion layer is more than 60%.

4. The membrane-electrode-assembly according to claim 1, wherein a thickness of the cathode gas diffusion layer is smaller than that of the anode gas diffusion layer.

5. The membrane-electrode-assembly according to claim 4, wherein the thickness of each of the anode gas diffusion layer and the cathode gas diffusion layer is 150 μm or more, and 600 μm or less.

6. The membrane-electrode-assembly according to claim 5, wherein the thickness of each of the anode gas diffusion layer and the cathode gas diffusion layer is 200 μm or more, and 400 μm or less.

7. The membrane-electrode-assembly according to claim 1, wherein the cathode gas diffusion layer comprises a porous member mainly including conductive particles and a polymeric resin.

8. The membrane-electrode-assembly according to claim 7, wherein the porosity of the cathode gas diffusion layer is 76% or less.

9. The membrane-electrode-assembly according to

claim 7, wherein the conductive particles contained in each of the anode gas diffusion layer and the cathode gas diffusion layer comprise two kinds of carbon materials different from each other in average particle diameter.

10. The membrane-electrode-assembly according to claim 9, wherein about the two kinds of carbon materials contained in the anode gas diffusion layer, which are different from each other in average particle diameter, a blend ratio of the carbon material small in average particle diameter to the carbon material large in average particle diameter is from 1:0.7 to 1:2.

11. The membrane-electrode-assembly according to claim 7, wherein a weight of the polymeric resin contained in the cathode gas diffusion layer is larger than that of the polymeric resin contained in the anode gas diffusion layer, each of the weights being weight per unit volume thereof.

12. The membrane-electrode-assembly according to claim 11, wherein the anode gas diffusion layer and the cathode gas diffusion layer contain the polymer resin in an amount of 10% or more by weight and 17% or less by weight.

13. The membrane-electrode-assembly according to

claim 7, wherein the anode gas diffusion layer and the cathode gas diffusion layer contain a carbon fiber in a weight smaller than a weight of the polymeric resin.

14. The membrane-electrode-assembly according to claim 13, wherein a weight of the carbon fiber contained in the cathode gas diffusion layer is larger than that of the carbon fiber contained in the anode gas diffusion layer, each of the weights being weight per unit volume thereof.

15. The membrane-electrode-assembly according to claim 14, wherein the anode gas diffusion layer and the cathode gas diffusion layer contain the carbon fiber in an amount of 2.0% or more by weight, and 7.5% or less by weight.

16. The membrane-electrode-assembly according to claim 13, wherein the carbon fiber is any one of vapor growth process carbon fiber, milled fiber, and chopped fiber.

17. A fuel cell, comprising a membrane-electrode-assembly as recited in claim 1, and

a pair of separators arranged to interpose the membrane-electrode-assembly therebetween.

18. The fuel cell according to claim 17, wherein

when the fuel cell is operated, dew points of a fuel gas and an oxidizer gas supplied to the fuel cell are lower than an operating temperature of the fuel cell.

UNITED STATES PATENT and TRADEMARK OFFICE

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

MAILED

FEB 04 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
WOELK et al	:	
Application No.: 12/995,251	:	
PCT No.: PCT/EP2009/003883	:	
Int. Filing Date: 29 March 2009	:	REVOCATION
Priority Date: 30 March 2008	:	
Attorney Docket No.: SUD-134US	:	
For: NANOCRYSTALLINE COPPER...	:	
PRODUCTION THEREOF	:	

This decision is in response to the "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS" filed on 06 December 2010 requesting that the current attorneys of record be revoked.

As set forth in 37 CFR 1.36, a registered patent attorney or patent agent who has been given a power of attorney pursuant to § 1.32(b) may withdraw as attorney or agent of record upon application to and approval by the Director. The applicant or patent owner will be notified of the withdrawal of the registered patent attorney or patent agent. Where power of attorney is given to the patent practitioners associated with a Customer Number, a request to delete all of the patent practitioners associated with the Customer Number may not be granted if an applicant has given power of attorney to the patent practitioners associated with the Customer Number in an application that has an Office action to which a reply is due, but insufficient time remains for the applicant to file a reply. In this instance, it is noted that a Power of Attorney was not filed in this application by the attorneys at RatnerPrestia. Consequently, no action is required to withdraw this application because the attorney appears to be acting in a representative capacity.

For the reasons above, the request to withdraw as agents of record is **DISMISSED AS MOOT** as to the attorneys of record of RatnerPrestia.

A copy of this communication and future communications will be directed to the address: Hans-Joerg WOELK, Kaiserstrasse 22, Rosenheim 83022 DE (Germany)

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 373-1810

CC: Hans-Joerg WOELK
Kaiserstrasse 22
Rosenheim 83022 DE (Germany)

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:	12/995,270	Filing date:	
First Named Inventor:	Tokio OHKAWA		
Title of the Invention:	SUPERHEATED STEAM GENERATOR, ELECTRIC POWER GENERATING SHIP, AND CONNECTION ROBOT		

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/JP2009/067796

The international date of the corresponding PCT application(s) is/are: October 14, 2009

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the 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.:	12/995,270
First Named Inventor:	Tokio OHKAWA

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 30, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on November 30, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
	1	amended
	2	original
	3	amended
	4	amended
	5	amended
	6	amended
	7	amended
	8	original
	9	amended

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

Signature /Francine B. Nesti/	Date February 15, 2011
Name (Print/Typed) Francine B. Nesti	Registration Number 53376

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/995,270	11/30/2010	Tokio Ohkawa	MOR-286-A	9163

48980 7590 05/12/2011
YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

EXAMINER

ART UNIT	PAPER NUMBER
3749	

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):

docketing@youngbasile.com
audit@youngbasile.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

In re Application of	:	
OHKAWA, TOKIO	:	DECISION ON REQUEST TO
Application No. 12/995,270	:	PARTICIPATE IN PATENT
Filed: Nov. 30, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. MOR-286-A	:	PROGRAM AND PETITION
For: SUPERHEATED STEAM GENERATOR,	:	TO MAKE SPECIAL UNDER
ELECTRIC POWER GENERATING SHIP,	:	37 CFR 1.102(a)
AND CONNECTION ROBOT		

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. 15, 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 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Steve McAllister, SPE of Art Unit 3749, and 571-272-6785 for Class 126/609 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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PCT LEGAL ADMINISTRATION

ARKEMA INC.
900 First Avenue
Bldg 4-2
King of Prussia PA 19406

In re Application of
DUBOIS et al.
Application No.: 12/995,282
PCT No.: PCT/FR2009/050999
Int. Filing Date: 28 May 2009
Priority Date: 30 May 2008
Attorney Docket No.: FR-AM2474NP
For: BIOMASS-DERIVED METHYL METHACRYLATE AND CORRESPONDING MANUFACTURING METHOD, USES AND POLYMERS

DECISION
REGARDING
SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 13 July 2011 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 28 May 2009, applicant filed international application PCT/FR2009/050999 which claimed a priority date of 30 May 2008 . On 30 December 2009, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the Internaional Bureau. The deadline for payment of the basic national fee was 30 November 2010 (thirty months from the priority date).

On 30 November 2010, applicant filed a request for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 16 May 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497. The notification set a two-month time limit in which to respond.

On 13 July 2011, applicant filed a declaration executed by Jean-Luc DuBois as an inventor and Lucie Campora; Camille Croizy; and Pauline Croizy on behalf of deceased inventor, Jean-Francois Croizy.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

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

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

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 13 July 2011 was executed by Lucie Campora; Camille Croizy; and Pauline Croizy as "legal representatives" to the deceased inventor, Jean-Francois Croizy. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representatives. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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

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

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

Attorney Docket Number: AA 1855 US	Application Number (if known): 12995307	Filing date: 2010-11-30
First Named Inventor: Paul Richard Phillips		
Title: SYSTEM FOR TREATING A GAS SYSTEM		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amended dated 2/25/2011 and Statement of Special Status

Signature /Stephen J. Driscoll/	Date 02/25/2011
Name (Print/Typed) Stephen J. Driscoll	Registration Number 37564

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

[X] *Total of 1 forms are submitted.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/995,307	04/20/2011	Paul Richard Phillips	AA 1855 US	9495

95567 7590 05/25/2011
RatnerPrestia (JM)
P.O. Box 980
Valley Forge, PA 19482-0980

EXAMINER

ART UNIT	PAPER NUMBER
1736	

MAIL DATE	DELIVERY MODE
05/25/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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RatnerPrestia (JM)
P.O. Box 980
Valley Forge PA 19482-0980

5/25/11

In re Application of	:	
Phillips et al.	:	DECISION ON PETITION
Application No. 12/995,307	:	TO MAKE SPECIAL UNDER
Filed: 4/20/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **AA 1855 US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 4/20/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1736 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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6/3/11

RatnerPrestia (JM)
P.O. Box 980
Valley Forge PA 19482-0980

In re Application of	:	
Paul Richard Phillips et al.	:	DECISION ON PETITION
Application No. 12/995,307	:	TO MAKE SPECIAL UNDER
Filed: November 30, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. AA 1855 US	:	PILOT PROGRAM

The decision mailed on May 25, 2011 is vacated in view of the failure of the USPTO to consider the request to dismiss the original petition filed on April 20, 2011.

This is a decision on the petition under 37 CFR 1.102, filed February 25, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

Per the request submitted on April 20, 2011, the Petition to Make Special under the Green Technology Pilot Program filed on February 25, 2011 is dismissed. It is noted that the April 20, 2011 request includes a request to un-enter the preliminary amendment filed on February 25, 2011. The USPTO does not un-enter preliminary amendments. Thus, if the applicant desires to return to the original claims, an amendment must be filed to make this change.

The petition is **DISMISSED**.

It is noted that a non-final office action was mailed on June 1, 2011. The applicant is required to respond accordingly to this examiner office action.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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MAY 09 2011

PCT LEGAL ADMINISTRATION

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of Hiemer Application No.: 12/995,326 PCT No.: PCT/EP2009/054640 Int. Filing Date: 20 April 2009 Priority Date: 13 June 2008 Attorney Docket No.: 10191/6377 For: Method And Control Device For Triggering Passenger Protection Means For A Vehicle	:	DECISION

This is in response to the petition under 37 CFR 1.182 filed on 09 March 2011.

BACKGROUND

International application PCT/EP2009/054640 was filed on 20 April 2009, claimed an earlier priority date of 13 June 2008, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 17 December 2009. The period for payment of the basic national fee in the United States expired as of midnight on 13 December 2010. Applicant filed *inter alia* a basic national fee in 12/995,326 on 30 November 2010.

On 03 February 2010, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) referring to PCT/EP2009/005460 were mailed to applicant.

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter filed on 30 November 2010 was directed toward the national stage under 35 U.S.C. 371 of "PCT/EP2009/054640," while the Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicants indicated that "PCT/EP09/05460" was to enter the national stage. Inspection of published international application PCT/EP2009/054640 reveals that its bibliographic data is similar to that indicated for this application on the Transmittal Letter. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

Applicants have filed such a petition. Petitioner indicates that this application was intended as the national stage of PCT/EP2009/054640, and that "During the electronic submission the number of the International Application was erroneously entered as PCT/EP2009/005460." Petitioner requests correction of the records of the USPTO to identify this application as the national stage of PCT/EP2009/054640. Based on the circumstances present in this case, 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.

The Filing Receipt and the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 03 February 2010 were issued in error, and both are hereby **VACATED**.

DECISION

The petition under 35 U.S.C. 371 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for re-processing as the national stage of PCT/EP2009/054640. This will include the correction of PALM records to reflect the correct national stage parentage.

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

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:	12/995,449	Filing date:	01/17/2011
First Named Inventor:	Johann Karl Kitta		
Title of the Invention:	Arrangement for transport and/or safekeeping of a human or animal tissue sample		

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/EP2009/056320

The international filing date of the corresponding PCT application(s) is/are: 05/25/2009

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

Under the 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.:	12/995,449
First Named Inventor:	Johann Karl Kitta

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
17	1	Minor wording changes to conform to US practice.
18	2	Minor wording changes to conform to US practice.
19	3	Minor wording changes to conform to US practice and remove multiple-dependencies.
20	4	Minor wording changes to conform to US practice and remove multiple-dependencies.
21	5	Minor wording changes to conform to US practice.
22	6	Minor wording changes to conform to US practice and remove multiple-dependencies.
23	7	Minor wording changes to conform to US practice and remove multiple-dependencies.
24	8	Minor wording changes to conform to US practice and remove multiple-dependencies.
25	9	Minor wording changes to conform to US practice and remove multiple-dependencies.
26	10	Minor wording changes to conform to US practice and remove multiple-dependencies.
27	11	Minor wording changes to conform to US practice.
28	12	Minor wording changes to conform to US practice.
29	13	Minor wording changes to conform to US practice and remove multiple-dependencies.
30	14	Minor wording changes to conform to US practice.
31	15	Minor wording changes to conform to US practice and remove multiple-dependencies.
32	16	Minor wording changes to conform to US practice and remove multiple-dependencies.

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

Signature /Margaret Polson/	Date 2011-02-04
Name (Print/Typed) Margaret Polson	Registration Number 42082

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/995,449	01/17/2011	Johann Karl Kitta	00006.P-KM01-500US	1811

85370 7590 03/23/2011
Oppedahl Patent Law Firm LLC (P&A)
P O Box 5940
Dillon, CO 80435-5940

EXAMINER

ART UNIT	PAPER NUMBER
1775	

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):

docket-oppedahl@oppedahl.com
mail-log@oppedahl.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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WG

March 22, 2011

In re application of Johann Kitta et al. Serial No. 12/995,449 Filed: January 17, 2011 For: ARRANGEMENT FOR TRANSPORT AND/OR SAFEKEEPING OF A HUMAN OR ANIMAL TISSUE SAMPLE	: : : : : :	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 4, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED
DEC 17 2010
PCT LEGAL ADMINISTRATION

In re Application of TATKOV et al	:	
U.S. Application No.: 12/995,458	:	
PCT Application No.: PCT/NZ2009/000091	:	
Int. Filing Date: 27 May 2009	:	
Priority Date Claimed: 27 May 2008	:	DECISION
Attorney Docket No.: FPHCR.140NP	:	
For: CONTROL OF HUMIDIFIER CHAMBER	:	
TEMPERATURE FOR ACCURATE	:	
HUMIDITY CONTROL	:	

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 30 November 2010.

BACKGROUND

On 27 May 2009, applicant filed international application PCT/NZ2009/000091, which claimed priority of an earlier United States application filed 27 May 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 03 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 29 November 2010.

On 30 November 2010, international application PCT/NZ2009/000091 became abandoned as to the United States for failure to timely pay the basic national fee.

On 30 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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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED
NOV 10 2011
OFFICE OF PETITIONS

APPLICANT(S): TATKOV, ET AL.
Appl. No.: 12/995,458
International Filing Date: May 27, 2009
Title: CONTROL OF HUMIDIFIER CHAMBER TEMPERATURE FOR ACCURATE HUMIDITY CONTROL
Attorney Docket No.: FPHCR.140NP
Pub. No.: US 2011/0120462 A1
Pub. Date: May 26, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on July 25, 2011, for the above-identified application.

The request is granted

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

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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DEC 28 2010

PCT LEGAL ADMINISTRATION

Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

In re Application of ROMIJN, et al. Application No.: 12/995,557 PCT No.: PCT/NL2008/000137 Int. Filing Date: 28 May 2008 Priority Date: None Attorney Docket No.: ROMIJN1 For: METHOD FOR THE PRODUCTION OF PROTEINS OR PROTEIN FRAGMENTS	DECISION ON PETITION FOR REVIVAL OF ABANDONED APPLICATION UNDER 37 CFR 1.137(b)

This decision is issued in response to applicants' petition under 37 CFR 1.137(a) filed 01 December 2010, treated herein as a petition under 37 CFR 1.137(b) to revive the above-entitled application.[1]

The petition is **GRANTED**.

The above-identified application was abandoned on 28 November 2010 for failure to pay the basic national fee 30 months from the priority date for international application PCT/NL2008/000137. Accordingly, by operation of law, the above-identified application became abandoned at midnight, 27 November 2010.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (1) - (4) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office

[1]The present petition is incorrectly titled as a Petition under 37 CFR 1.137(a). Based on the contents of the present petition, the petition has been treated herein under 37 CFR 1.137(b). If this is an incorrect interpretation of the petition papers, Petitioner must immediately notify the Office of PCT Legal Administration of such error.

(US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the $130 surcharge for filing the oath or declaration after the thirty-month period is required.

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

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United States Patent and Trademark Office
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McDermott Will & Emery
600 13th Street, NW
Washington, D.C. 20005-3096

MAILED

JUL 01 2011

PCT LEGAL ADMINISTRATION

In re Application of:
BALLANDRAS et al.
U.S. Application No.: 12/995,572
PCT Application No.: PCT/FR2009/051023 (as corrected)
International Filing Date: 29 May 2009
Priority Date: 04 June 2008
Attorney's Docket No.: 087927-0012
For: HBAR RESONATOR WITH A HIGH LEVEL OF INTEGRATION

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Petition under 37 CFR 1.182 for Corrected International Application Number" filed 07 March 2011. The petition seeks to correct the bibliographic data for the national stage application papers filed 01 December 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/FR2009/051023. The $400 petition fee has been charged to Deposit Account 50-0417, as authorized.

BACKGROUND

On 01 December 2010, applicant filed electronically a U.S. national stage application in the United States Designated/Elected Office (DO/EO/US). The submission included, inter alia, a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (Form 1390) identifying international application number PCT/FR2009/051023; a preliminary amendment; and an application data sheet.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2009/051023, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 07 March 2011, applicant filed "Petition under 37 CFR 1.182 for Corrected International Application Number" considered herein.

In response to the Notification of Missing Requirements, applicant submitted an executed declaration of inventorship.

On 29 March 2011, the USPTO mailed a Notification Of Acceptance indicating that the application was a national stage of PCT/US2009/051023 (the filing receipt also listed the application as a national stage of PCT/US2009/051023).

DISCUSSION

Correction of International Application Number

Applicant confirms that the correct international application is PCT/FR2009/051023. An examination of the originally filed papers finds that the correct international application number was listed on the Transmittal Letter (Form PTO-1390) filed 01 December 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 01 December 2010 and to permit such materials to be treated as having been directed to international application PCT/FR2009/051023.

The petition to treat the present application as a national stage of PCT/FR2009/051023 is granted.

Defective Declaration

A review of the application file and other Patent and Trademark Office records reveals that the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America have not been completed as indicated in the Notification of Acceptance mailed by the DO/EO on 09 May 2011. Specifically, the declaration filed on 17 March 2011 is defective pursuant to 37 CFR 1.497(a)(3) which requires that the declaration "identify each inventor and the residence and country of citizenship of each inventor." Section 201.03 of the Manual of Patent Examining Procedure states, in part,

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity . . . For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor . . .

Here, the declaration filed on 17 March 2011 is executed by the joint-inventor (Sylvain Ballandras) but fails to identify the co-inventor, Dorian Gachon, which is improper. Thus, applicants are required to file a newly executed declaration which complies with 37 CFR 1.497(a) and (b).

The Notification Of Acceptance and Official filing receipt mailed 29 March 2011 and

all subsequent Notification of Acceptances and Official Filing Receipts are hereby VACATED.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

Deposit Account No. 06-0916 will be charged $400 as the required petition fee.

USPTO records will be corrected to indicate that the present application is the national stage of PCT/FR2009/051023 with an international filing date of 29 May 2009 and claims priority to French (FR) application 08 53690 dated 04 June 2008.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration is required.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

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

PTO/SB/420 (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: ZQ902-08001(C)	Application Number (if known): 12995581	Filing date: 2010-12-01
First Named Inventor: James Wiese		
Title: System and Method for Controlling a Fan Unit		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature /Scott W. Higdon/	Date 2010-12-03
Name (Print/Typed) Scott W. Higdon	Registration Number 64065

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

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Attorney Ref.: ZQ902-08001(C)
	)	
Inventor: James Wiese	)	Examiner: TBA
	)	
Application No.: 12/995,581	)	Group Art Unit:
	)	
Filed: December 1, 2010	)	Confirmation No.: 1922
	)	
For: System and Method for Controlling a Fan Unit	)	Date Submitted: December 3, 2010

Mail Stop PETITIONS
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PO Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

Special status is sought for this application because the claimed invention materially contributes to the more efficient utilization and conservation of energy resources. For example, the claimed invention may provide for a reduction of energy consumption in cooling an interior area such as one or more rooms in a dwelling. The claimed invention may optionally be utilized in combination with a household appliance to draw exterior air into an interior area under certain conditions to beneficially alter the temperature of the interior area without necessitating using additional energy resources to actively cool or heat air in the interior area.

Respectfully submitted,

MIDDLETON REUTLINGER

Date: December 3, 2010

/ Scott W. Higdon /
Scott W. Higdon
Registration No. 64065

401 South Fourth Street
2600 Brown & Williamson Tower
Louisville, KY 40202

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SHigdon@middreut.com

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.
12/995,581	12/01/2010	James Wiese	ZQ902 08001(C)	1922

22884 7590 04/28/2011
MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
(401 S. 4th Street, Suite 2500)
LOUISVILLE, KY 40202

EXAMINER

ART UNIT	PAPER NUMBER
3744	

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):

USPTOmail@MiddReut.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
(401 S. 4th Street, Suite 2500)
LOUISVILLE KY 40202

In re Application of	:	
WIESE, JAMES	:	DECISION ON PETITION
Application No. 12/995,881	:	TO MAKE SPECIAL UNDER
Filed: Dec. 1, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. ZQ902 08001(C)	:	PILOT PROGRAM

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

The petition is **dismissed**.

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

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

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

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

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

The petition lacks item # 4.

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

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

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

The application is currently undergoing pre-examination processing. The application will be forwarded to the Technology Center Art Unit 3744 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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P.O. Box 1450
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MEREDITH & KEYHANI, PLLC
330 MADISON AVE.
6TH FLOOR
NEW YORK NY 10017

MAILED
MAR 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Alon Karpman	:	
Application No. 12/995,632	:	DECISION ON PETITION
Filed: December 1, 2010		TO WITHDRAW FROM RECORD
Attorney Docket No. 142-002PCTUS	:	
	:	

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

The request is **APPROVED**.

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

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

The correspondence address of record remains unchanged.

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

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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

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PO BOX 747
FALLS CHURCH VA 22040-0747

PCT LEGAL ADMINISTRATION

In re Application of: OKADA, Takashi	:	
U.S. Application No.: 12/995,634	:	
PCT No.: PCT/JP2009/060545	:	DECISION REGARDING
International Filing Date: 09 June 2009	:	SUBMISSION UNDER
Priority Date: 10 June 2008	:	37 CFR 1.42
Attorney Docket No.: 0649-2409PUS1	:	
For: CHLORINATED POLYETHER AND	:	
POLYURETHANE OBTAINED	:	
THEREFROM	:	

This decision is issued in response to applicants' submission on 01 December 2010 of a declaration executed on behalf of deceased sole inventor Takashi OKADA by his legal representatives, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 09 June 2009, applicant filed international application PCT/JP2009/060545. The international application claimed a priority date of 10 June 2008, and it designated the United States. On 17 December 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 10 December 2010.

On 01 December 2010, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, an English translation of the international application, payment of the basic national fee, and a declaration executed on behalf of the deceased inventor by his legal representatives. The declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

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

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

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

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

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representatives must be identified on the declaration, as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497. Here, the declaration filed 01 December 2010 includes the required citizenship, residence, and mailing address information for the three persons signing the declaration on behalf of the deceased inventor, as well as the required citizenship of the deceased inventor. The declaration also states the relationship of the persons signing to the deceased inventor (i.e., "legal representative"). The declaration therefore includes all information required under 37 CFR 1.497(b)(2).

CONCLUSION

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

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 December 2010.

/RichardMRoss/

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

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Cantor Colburn LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAILED
APR 08 2011
PCT LEGAL ADMINISTRATION

In re Application of: AHIRRAO et al.
Application No.: 12/995,782
PCT No.: PCT/IB2009/005995
Int. Filing Date: 01 June 2009
Priority Date: 02 June 2008
Attorney Docket No.: ADC0017US
For: IMPROVED PROCESS FOR PREPARING PREGABALIN

DECISION ON PAPERS UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 22 February 2011, which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 01 June 2009, applicant filed international application PCT/IB2009/005995, which claimed a priority date of 02 June 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, 02 December 2010.

On 02 December 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; a preliminary amendment.

On 23 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(e). The notification set a two-month time limit in which to respond.

On 22 February 2011, applicant filed an executed declaration and power of attorney.

DISCUSSION

35 USC 117 *Death or Incapacity of Inventor*, states:

Legal representatives of deceased inventors and of those under legal incapacity may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor.

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.

The declaration filed on 22 February 2011 is executed by Depashri Vika Ahirrao as the "legal representative" of the deceased inventor, Vikas Daulatrao Ahirrao. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

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), the citizenship for **both** the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed on 22 February 2011 provides the citizenship for only one individual and it is unclear whether this information is for the legal representative or the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.42 and 37 CFR 1.497(b)(2).

CONCLUSION

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

Applicant is 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."

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

Cantor Colburn LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAILED
JUN 20 2011
PCT LEGAL ADMINISTRATION

In re Application of: AHIRRAO et al.
Application No.: 12/995,782
PCT No.: PCT/IB2009/005995
Int. Filing Date: 01 June 2009
Priority Date: 02 June 2008
Attorney Docket No.: ADC0017US
For: IMPROVED PROCESS FOR PREPARING PREGABALIN

DECISION ON PAPERS UNDER 37 CFR 1.42

In a decision mailed by this Office on 08 April 2011, the declaration filed by applicant on behalf of deceased inventor Vikas Daulatrao Ahirrao was dismissed for failure to include all the information required under 37 CFR 1.497.

On 23 May 2011, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 23 May 2011 identifies the deceased inventor and states the deceased inventor's country of citizenship. Additionally, the declaration is signed by Depashri Vika Ahirrao as "Legal Representative," states his/her relationship to the deceased (i.e., Legal Representative), and provides the Legal Representative'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 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

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:	12/995,839	Filing date:	December 2, 2010
First Named Inventor:	Guangrong XIE		
Title of the Invention:	RF COAXIAL CONNECTOR		

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/IB2009/053190

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

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.:	12/995,3839
First Named Inventor:	Guangrong XIE

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 14, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on December 14, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	U.S. Claim 1 is substantially identical to the PCT claim 1.
2	2	U.S. Claim 2 is substantially identical to the PCT claim 2.
3	3	U.S. Claim 3 is substantially identical to the PCT claim 3.
4	4	U.S. Claim 4 is substantially identical to the PCT claim 4.
5	5	U.S. Claim 5 is substantially identical to the PCT claim 5.
6	6	U.S. Claim 6 is substantially identical to the PCT claim 6.
7	7	U.S. Claim 7 is substantially identical to the PCT claim 7.
8	8	U.S. Claim 8 is substantially identical to the PCT claim 8.
9	9	U.S. Claim 9 is substantially identical to the PCT claim 9.
10	10	U.S. Claim 10 is substantially identical to the PCT claim 10.
11	11	U.S. Claim 11 is substantially identical to the PCT claim 11.
12	12	U.S. Claim 12 is substantially identical to the PCT claim 12.
13	13	U.S. Claim 13 is substantially identical to the PCT claim 13.
14	14	U.S. Claim 14 is substantially identical to the PCT claim 14.
15	15	U.S. Claim 15 is substantially identical to the PCT claim 15.

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

Signature		Date	January 7, 2010
Name (Print/Typed)	Robert G. Bachner	Registration Number	60,122

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/995,839	01/24/2011	Guangrong Xie	147736	3771

92793 7590 04/13/2011
Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

EXAMINER

ART UNIT	PAPER NUMBER
2833	

NOTIFICATION DATE	DELIVERY MODE
04/13/2011	ELECTRONIC

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

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

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

OfficeAction92793@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

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria VA 22320-4850

In re Application of	**: DECISION ON REQUEST TO**
XIE et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/995,839	**: PROSECUTION HIGHWAY**
Filed: 24 January 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 147736	**: TO MAKE SPECIAL UNDER**
For: RF COAXIAL CONNECTOR	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 07 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, 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

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:	12/995,846	Filing date:	December 2, 2010
First Named Inventor:	Francisco SALVADOR BAREA		
Title of the Invention:	New Ultraviolet and/or Ozone-Generating Disinfection 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/ES2009/000305

The international filing date of the corresponding PCT application(s) is/are: June 1, 2009

I. List of Required Documents:

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

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

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

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

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

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

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

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

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

(continued)

Application No.:	
First Named Inventor:	

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

☐ Is attached

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

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

☐ Are attached.

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	
2	2	
3	3	

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

Signature /Michael O. Sturm/	Date 2011-02-24
Name (Print/Typed) Michael O. Sturm	Registration Number 26078

Privacy Act Statement

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

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

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/995,846	12/02/2010	Francisco Salvador Barea	2-1038-120	3820

803 7590 04/28/2011
STURM & FIX LLP
206 SIXTH AVENUE
SUITE 1213
DES MOINES, IA 50309-4076

EXAMINER

ART UNIT	PAPER NUMBER
1723	

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):

shepherd@hsllp.com
potts@hsllp.com
campbell@hsllp.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

April 27, 2011

In re application of Francisco Salvador Barea Serial No. 12/995,846 Filed: December 2, 2010 For: ULTRAVIOLET AND/OR OZONE-GENERATING DISINFECTION DEVICE	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed February 24, 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; KIPO or SPTO;

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 16 2010

PCT LEGAL ADMINISTRATION

SABIC AMERICAS, INC.
1600 INDUSTRIAL BLVD.
SUGAR LAND TX 77478

In re Application of:
SOLIMAN, Maria, et al.
U.S. Application No.: 12/995,854
PCT No.: PCT/EP2009/003368
International Filing Date: 12 May 2009
Priority Date: 15 May 2008
Attorney Docket No.: 30086-US-PCT
For: SCRATCH-RESISTANT MOULDED ARTICLE MADE FROM A FILLED POLYPROPYLENE COMPOSITION

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 02 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/EP2009/003368 became abandoned with respect to the United States at midnight on 15 November 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 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

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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Schlumberger Technology Corporation, HPS
200 Gillingham Lane
MD200-2
Sugar Land TX 77478

MAILED
JUN 07 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
LATRILLE et al.	:	
Application No.: 12/995,859	:	DECISION
PCT No.: PCT/US2009/045901	:	
Int. Filing Date: 02 June 2009	:	
Priority Date: 06 June 2008	:	
Attorney Docket No.: 19.0574	:	
For: SYSTEMS AND METHODS FOR PROVIDING	:	
WIRELESS POWER TRANSMISSIONS AND	:	
TUNING A TRANSMISSION FREQUENCY	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 11 April 2011 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 02 June 2009, applicants filed international application PCT/US2009/045901, which designated the United States and claimed a priority date of 06 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 December 2010.

On 02 December 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 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 an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 11 April 2011, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a declaration of inventors, and a statement of facts by David J. Smith with documentation in support thereof.

DISCUSSION

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

As to item (1), the petition fee has been paid.

As to item (2), it has been established that non-signing inventor Michael A. Montgomery was presented with a copy of the application papers. Mr. Montgomery's conduct constitutes a refusal to sign.

As to item (3), a statement of the last known address of Mr. Montgomery has been provided.

As to item (4), an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor has been provided.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of **11 April 2011**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Michael A. Montgomery
1013 Oak Knoll Court
Sugar Land, TX 77478

MAILED
JUN 07 2011
PCT LEGAL ADMINISTRATION

In re Application of
LATRILLE et al.
Application No.: 12/995,859
PCT No.: PCT/US2009/045901
Int. Filing Date: 02 June 2009
Priority Date: 06 June 2008
Attorney Docket No.: 19.0574
For: SYSTEMS AND METHODS FOR PROVIDING WIRELESS POWER TRANSMISSIONS AND TUNING A TRANSMISSION FREQUENCY

Dear Mr. Montgomery:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

/Daniel Stemmer/

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

Schlumberger Technology Corporation, HPS
200 Gillingham Lane
MD200-2
Sugar Land TX 77478

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:	12/995865	Filing date:	December 2, 2010
First Named Inventor:	Fumitoshi Ito		
Title of the Invention:	INFORMATION PROCESSING APPARATUS, WEB SERVER, CONTROL METHOD, AND STORAGE MEDIUM		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2010/069013

The international date of the corresponding PCT application(s) is/are: October 20, 2010

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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

(continued)

Application No.:	12/995865
First Named Inventor:	Fumitoshi Ito

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 16, 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 16, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Both claims are same.
2	2	Both claims are same.
3	3	Both claims are same.
4	4	Both claims are same.
5	5	Both claims are same.
6	6	Both claims are same.
7	7	Both claims are same.
8	8	Both claims are same.
9	9	Both claims are same.
10	10	Both claims are same.

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

Signature /Agatha H Liu/	Date November 2, 2011
Name (Print/Typed) Agatha H. Liu	Registration Number 65,323

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/995,865	12/02/2010	Fumitoshi Ito	00862.177514.	3919

5514 7590 11/28/2011
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER
HWANG, JOON H

ART UNIT	PAPER NUMBER
2447	

MAIL DATE	DELIVERY MODE
11/28/2011	PAPER

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

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

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

In re Application of: Fumitoshi Ito
Application No. 12/995,865
Filed: December 2, 2010
For: **INFORMATION PROCESSING APPARATUS, WEB SERVER, CONTROL METHOD AND STORAGE MEDIUM**

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

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 2, 2011, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. *If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.*

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

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

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

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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.
12/995,894	12/02/2010	Kosaburo Wakamatsu	04676.0306	4065

22852 7590 07/25/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

ART UNIT	PAPER NUMBER
1623	

MAIL DATE	DELIVERY MODE
07/25/2011	PAPER

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

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

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JUL 25 2011

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

In re Application of	:	DECISION ON REQUEST TO
KOSABURO WAKAMATSU	:	PARTICIPATE IN PATENT
Application No. 12/995,894	:	PROSECUTION HIGHWAY
Filed: December 2, 2010	:	PROGRAM AND PETITION
Attorney Docket No. 04676.0306	:	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 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 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

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

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

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

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

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

PTO/SB/20PCT-US (09-10)
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 IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/995,940	Filing date:	12-02-2010
First Named Inventor:	Mark B. Gagner		
Title of the Invention:	VISUALIZING WAGERING GAME ESTABLISHMENT PATRON FLOW		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US09/46326

The international date of the corresponding PCT application(s) is/are: 04-Jun-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.:	12/995,940
First Named Inventor:	Mark B. Gagner

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 12-02-2010

(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 12-02-2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-28	1-28	Same claims

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

Signature /Steven R. Gilliam, #51734/	Date 14-April-2011
Name (Print/Typed) Steven R. Gilliam	Registration Number 51734

Privacy Act Statement

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

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

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/995,940	12/02/2010	Mark B. Gagner	100.043US1	4344

65375 7590 04/21/2011
WMS GAMING (DELIZIO GILLIAM)
C/O DELIZIO GILLIAM, PLLC
15201 MASON ROAD
SUITE 1000-312
CYPRESS, TX 77433

EXAMINER
VO, PETER DUNG BA

ART UNIT	PAPER NUMBER
3718	

NOTIFICATION DATE	DELIVERY MODE
04/21/2011	ELECTRONIC

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

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

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

USPTO@DELIZIOGILLIAM.COM
USPTO2@DELIZIOGILLIAM.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

WMS GAMING (DELIZIO GILLIAM)
C/O DELIZIO GILLIAM, PLLC
15201 MASON ROAD
SUITE 1000-312
CYPRESS TX 77433

In re Application of	:	
GAGNER, MARK B. et al	:	DECISION ON REQUEST TO
Application No. 12/995,940	:	PARTICIPATE IN PATENT
Filed: Dec. 2, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 100.043US1	:	PROGRAM AND PETITION
For: VISUALIZING WAGERING GAME	:	TO MAKE SPECIAL UNDER
ESTABLISHMENT PATRON FLOW	:	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 14, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must 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 Peter Vo, the SPE of Art Unit 3718 at 571-272-4690 for Class 463/25 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Honigman Miller Schwartz & Cohn LLP/IRON
350 East Michigan Avenue
Suite 300
Kalamazoo, MI 49007-3800

MAILED

MAR 07 2012

OFFICE OF PETITIONS

In re Application of Regina Graul :
Application No. 12/995,967 :
Int'l Filing Date: June 2, 2009 :
Atty. Docket No. 223355/061PCT1US1/305663 :
Pub. No. US 2011/0275683 A1 :
Pub. Date: November 10, 2011 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed January 5, 2012.

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

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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PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

MAILED

MAR 09 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CHEN, et al. :
Application No.: 12/995,997 :
PCT No.: PCT/CN2008/000838 : DECISION ON PETITION
Int. Filing Date: 24 April 2008 :
Priority Date: None : UNDER 37 CFR 1.137(b)
Atty. Docket No.: DTK08-1002US :
For: SYSTEM AND METHOD FOR KNOWLEDGE- :
BASED INPUT IN A BROWSER :

The petition to revive under 37 CFR 1.137(b) filed 02 December 2010 in the above-captioned application is hereby **DISMISSED** as follows:

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Applicant has satisfied items 1 and 2. It is noted that item (4) does not apply to the present application.

Regarding item 3, applicant has not provided a statement as to the delay in filing the national stage application. Specifically, the form PTO/SB/64/PCT which accompanies the filing has not been filed out nor signed. As the form is blank and unsigned, it is not possible to accept the statement of unintentional delay printed on the form as applying to the present application.

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 1.137(b)." No additional petition fee is required.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

MAILED

MAY 17 2011

PCT LEGAL ADMINISTRATION

In re Application of
CHEN, et al.
Application No.: 12/995,997
PCT No.: PCT/CN2008/000838
Int. Filing Date: 24 April 2008
Priority Date: None
Atty. Docket No.: DTK08-1002US
For: SYSTEM AND METHOD FOR KNOWLEDGE-BASED INPUT IN A BROWSER

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The renewed petition to revive under 37 CFR 1.137(b) filed 12 April 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the renewed petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the renewed petition reveals that applicant has completed all of the requirements for the revival of the above-captioned application. 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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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED
FEB 07 2011
PCT LEGAL ADMINISTRATION

In re Application of YEO et al	:	
U.S. Application No.: 12/996,008	:	
PCT Application No.: PCT/US2009/003417	:	
Int. Filing Date: 04 June 2009	:	
Priority Date Claimed: 04 June 2008	:	
Attorney Docket No.: 027731-003810US	:	DECISION
For: GREPSEQ: AN ALMOST	:	
INEXHAUSTIBLE, COST-EFFECTIVE, HIGH-	:	
THROUGHPUT PROTOCOL FOR THE	:	
GENERATION OF SELECTOR SEQUENCES	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 07 January 2011.

BACKGROUND

On 04 June 2009, applicant filed international application PCT/US2009/003417, which claimed priority of an earlier United States application filed 04 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 06 December 2010.

On 07 December 2010, international application PCT/US2009/003417 became abandoned as to the United States for failure to timely pay the basic national fee.

On 07 January 2011, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

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

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

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

CONCLUSION

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

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

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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

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

Application No:	12/996,014	Filing date:	December 2, 2010
First Named Inventor:	Poul Torben Tietze		
Title of the Invention:	A Lubrication System for a Gear System for a 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/EP2009/056755

The international filing date of the corresponding PCT application(s) is/are: 02 June 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.:	12/996,014
First Named Inventor:	Poul Torben Tietze

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 2, 1010

(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 2, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
12	1	
13	2	
14	3	
15	4	
16	5	
17	6	
18	7	
19	8	
20	9	

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

Signature	Date December 9, 2010
Name (Print/Typed) Edward M. Weisz	Registration Number 37,257

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.
12/996,014	02/02/2011	Poul Torben Tietze	5789-203PUS	4910

27799 7590 05/05/2011
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
05/05/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of	:
TIETZE, POUL TORBEN et al	: DECISION ON REQUEST TO
Application No. 12/996,014	: PARTICIPATE IN PATENT
Filed: Dec. 2, 2011	: PROSECUTION HIGHWAY
Attorney Docket No. 5789-203PUS	: PILOT PROGRAM AND PETITION
For: LUBRICATION SYSTEM FOR A GEAR	: TO MAKE SPECIAL UNDER
SYSTEM FOR A WIND TURBINE	: 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. 9, 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 2386743; GB 2201200; DE 323016 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

Certificate of Electronic Transmission

I hereby certify that this correspondence is being electronically transmitted to the U.S. Patent and Trademark Office via EFS-WEB on June 3, 2011.

/Steven W. Benintendi/ June 3, 2011
Steven W. Benintendi Date
Reg. No. 56,297

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:	Poul Torben Tietze et al.
Serial No.:	12/996,014
Filed:	February 2, 2011
Group Art Unit:	Unknown
Examiner:	Unknown
Confirmation No.:	4910
Title:	LUBRICATION SYSTEM FOR A GEAR SYSTEM FOR A WIND TURBINE
Attorney Docket:	VWS-335US

Cincinnati, Ohio 45202 June 3, 2011

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

Sir:

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

This is in response to the communication from the USPTO dated May 5, 2011 in which Applicant's prior Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program between the European Patent Office and the USPTO was dismissed.

Applicant hereby requests reconsideration of the prior Request in light of the additional information provided herewith that satisfy the deficiencies noted in the May 5, 2011 communication. Applicant submits that the Request and Petition satisfies

the requirements under 37 C.F.R. 1.102(a) and respectfully requests the Examiner to grant Applicant's Request and Petition for Accelerated Examination under the PPH Program.

According to the Decision on Request and Petition, the Examiner dismissed Applicant's Request and Petition because Applicant failed to submit a copy of three foreign prior art references cited by the PCT examiner. Applicant apologizes for prior counsel's omission. A Supplemental Information Disclosure Statement listing the references and copies of the three foreign references are being submitted concurrently herewith in order to overcome the deficiency cited in the Decision on Request and Petition.

In view of the above, Applicants submit that all the requirements under the PPH Program have been satisfied and respectfully request the Examiner to grant Applicant's Request and Petition.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/Steven W. Benintendi/
Steven W. Benintendi
Reg. No. 56,297

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/996,014	02/02/2011	Poul Torben Tietze	VWS-335US	4910

83583 7590 06/23/2011
Wood, Herron & Evans, LLP (Vestas Wind Systems)
441 Vine Street
2700 Carew Tower
Cincinnati, OH 45202

EXAMINER

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
06/23/2011	ELECTRONIC

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of: TIETZE, POUL TORBEN Serial No.: 12/996014 Filed: December 2, 2010 Attorney Docket No. : VWS-335US Title: LUBRICATION SYSTEM FOR A GEAR SYSTEM FOR A WIND TURBINE	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 3, 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.

A previous decision on the instant petition was mailed on May 5, 2011. The previous decision stated the request and petition failed to meet Item #6 above. At the time, applicant did not submit the required copies of foreign prior art references FR 2386743; GB 2201200; DE 323016, which were cited by the PCT examiner. Since then, Applicant has filed another IDS on June 3, 2011, which supplied copies of the aforementioned references.

In light of the missing foreign references being submitted, the request to participate in the PPH program and the petition comply with all of 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.

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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MAR 3 1 2011

PCT LEGAL ADMINISTRATION

BRINKS, HOFER, GILSON & LIONE
P.O. BOX 110285
RESEARCH TRIANGLE PARK NC 27709

In re Application of	:	
GEWEHR, Markus, et al.	:	
Application No.: 12/996,040	:	
PCT No.: PCT/EP2009/056866	:	
Int. Filing Date: 04 June 2009	:	DECISION
Priority Date: 05 June 2008	:	
Attorney Docket No.: 13779-641	:	
For: SYNERGISTIC FUNGICIDAL MIXTURES	:	

This decision is in response to applicant's petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 28 January 2011.

BACKGROUND

On 28 December 2010, the Office mailed a Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922), indicating *inter alia*, that a sequence listing disclosure and one in computer readable format were required.

On 28 January 2011, applicants filed this petition under 37 CFR 1.181 to vacate the Notice to Comply, indicating that the application did not contain nucleotide or amino acid sequences.

DISCUSSION

A review of the application did not locate any nucleotide or amino acid sequences. As such, a sequence listing is not required.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 28 December 2010 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

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JUN 01 2011

PCT LEGAL ADMINISTRATION

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of: NUNEZ, Rosita, et al.
U.S. Application No.: 12/996,044
PCT No.: PCT/EP2009/003610
International Filing Date: 20 May 2009
Priority Date: 03 June 2008
Attorney's Docket No.: 1686-106 PCT/US
For: SYNERGISTIC PRESERVATIVE BLEND

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicants' "Petition For Response To Notification Of Defective Response Under 37 C.F.R. § 1.182" filed 26 April 2011. Applicants have submitted the required $400 petition fee.

BACKGROUND

On 20 May 2009, applicants filed international application PCT/EP2009/003610. The application claimed a priority date 03 June 2008, and it designated the United States. On 10 December 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 03 December 2010. The international application identified the fourth inventor as Crystal NESBITT.

On 03 December 2010, applicants filed a Transmittal Letter for entry into the national stage accompanied by, among other materials, payment of the basic national fee.

On 30 December 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

25 February 2011, applicants filed a response to the Notification Of Missing Requirements that included the required surcharge and an executed declaration. The declaration identified the inventor whose name of record is Crystal NESBITT as Crystal MAIRA.

On 30 March 2011, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration was not acceptable as filed due to the inconsistency in the inventor's name.

On 26 April 2011, applicants filed the petition under 37 CFR 1.182 considered herein. The petition seeks to correct the name of record for the inventor at issue from Crystal NESBITT to Crystal MAIRA so as to permit acceptance of the previously filed declaration.

DISCUSSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

The present petition indicates that the name of the inventor at issue has changed since the filing of the international application; thus, a grantable petition under 37 CFR 1.182 is required to correct the name of record for this inventor. Pursuant to MPEP section 605.04(c), a grantable petition under 37 CFR 1.182 requires payment of the required petition fee and "a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order." Applicants' present petition includes the required petition fee and an explanation from counsel that the inventor's name has changed as a result of marriage. However, the petition does not include the required "statement signed by the inventor" or "copy of the court order." Applicants have therefore failed to provide all the requirements of a grantable petition to change the inventor's name of record from Crystal NESBITT to Crystal MAIRA.

Based on the above, the name of record for the inventor at issue remains Crystal NESBITT. Accordingly, the declaration filed on 25 February 2011, which identifies this inventor as Crystal MAIRA, remains defective on the present record for failure to properly identify the inventors of record herein.

CONCLUSION

Applicants' petition under 37 CFR 1.82 to change the name of record for inventor Crystal NESBITT to Crystal MAIRA is **DISMISSED** without prejudice.

If applicants seek reconsideration on the merits, a request for reconsideration must be filed within **TWO (2) MONTHS** of the mail date of this decision. Any such submission should be entitled "Renewed Petition Under 37 CFR 1.182" and include the materials necessary to satisfy the outstanding requirement of a grantable petition under 37 CFR 1.182, that is, the required statement signed by the inventor (or a copy of the relevant court order) confirming the change of this inventor's name from Crystal NESBITT to Crystal MAIRA. No additional petition fee is required.

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

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

/RichardMRoss/

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

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AUG 16 2011

PCT LEGAL ADMINISTRATION

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of: NUNEZ, Rosita, et al.
U.S. Application No.: 12/996,044
PCT No.: PCT/EP2009/003610
International Filing Date: 20 May 2009
Priority Date: 03 June 2008
Attorney's Docket No.: 1686-106 PCT/US
For: SYNERGISTIC PRESERVATIVE BLEND

DECISION ON RENEWED PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Renewed Petition Under 37 C.F.R. 1.182" filed 15 July 2011. Applicants have previously submitted the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 01 June 2011. The decision dismissed without prejudice applicants' petition under 37 CFR 1.182 to change the name of record for co-inventor Crystal NESBITT to Crystal MAIRA, finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had not provided the required statement from the inventor whose name was to be changed.

On 15 July 2011, applicants filed the renewed petition considered herein.

DISCUSSSION

The present renewed petition includes a statement executed by the inventor who is the subject of the present petition. The statement confirms that this inventor's name has changed from Crystal NESBITT to Crystal MAIRA as a result of marriage.

This statement satisfies the final outstanding requirement for a grantable petition under 37 CFR 1.182 to change the name of record for co-inventor Crystal NESBITT to Crystal MAIRA. The petition is therefore appropriately granted.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.82 to change the name of record for inventor Crystal NESBITT to Crystal MAIRA is **GRANTED**.

In view of the above correction, the declaration filed on 25 February 2011 (which identifies this inventor as Crystal MAIRA) is no longer defective and may be accepted under 37 CFR 1.497(a) and (b).

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 25 February 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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United States Patent and Trademark Office

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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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FEB 01 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Acien Fernandez et al.	:	
Application No.: 12/996,056	:	DECISION
PCT No.: PCT/ES2009/070058	:	
Int. Filing Date: 09 March 2009	:	ON
Priority Date: 14 March 2008	:	
Attorney Docket No.: P/5776-12 (V 17649)	:	PETITION
For: Liquid-Phase Gas Collection	:	

The petition to revive under 37 CFR 1.137(b) filed on 03 December 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

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JUL 27 2011

PCT LEGAL ADMINISTRATION

KED & ASSOCIATES, LLP
P.O. BOX 8638
RESTON, VA 20195

In re Application of CHO et al	:	
U.S. Application No.: 12/996,068	:	
PCT Application No.: PCT/KR2008/005880	:	DECISION
Int. Filing Date: 07 October 2008	:	
Priority Date Claimed: 03 June 2008	:	
Attorney Docket No.: HI-0588	:	
For: MOVABLE AIR CONDITIONER	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 26 May 2011.

BACKGROUND

On 07 October 2008, applicant filed international application PCT/KR2008/005880, which claimed priority of an earlier Korea application filed 03 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 10 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 03 December 2010.

On 03 December 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a declaration executed by two of the three inventors.

On 26 January 2011, 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 executed by the third inventor must be filed.

On 26 May 2011, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

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

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The petition states that joint inventor Hyung-Gyu Gu cannot be located. The petition sufficiently demonstrates that a diligent effort was made to contact inventor Gu. In particular, the affidavit of Jeong-Young Kim details unsuccessful efforts to reach inventor Gu by postal mail, by telephone, by searching directories, and by reviewing Gu's former personnel file. Thus, it can be concluded with reasonable certainty that Gu cannot be found.

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

With regard to item (4) above, MPEP 605.03 states, "In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary." The purported last known address appears to be a corporate address as shown in the declaration rather than a home address.

CONCLUSION

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

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

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

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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PCT LEGAL ADMINISTRATION

KED & ASSOCIATES, LLP
P.O. BOX 8638
RESTON, VA 20195

In re Application of CHO et al	:	
U.S. Application No.: 12/996,068	:	
PCT Application No.: PCT/KR2008/005880	:	DECISION
Int. Filing Date: 07 October 2008	:	
Priority Date Claimed: 03 June 2008	:	
Attorney Docket No.: HI-0588	:	
For: MOVABLE AIR CONDITIONER	:	

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

BACKGROUND

On 07 October 2008, applicant filed international application PCT/KR2008/005880, which claimed priority of an earlier Korea application filed 03 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 10 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 03 December 2010.

On 03 December 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a declaration executed by two of the three inventors.

On 26 January 2011, 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 executed by the third inventor must be filed.

On 26 May 2011, applicant filed a petition under 37 CFR 1.47(a).

On 27 July 2011, this Office mailed a decision dismissing the 26 May 2011 petition.

On 14 September 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

Applicant previously satisfied items (1), (2), and (3) above.

With regard to item (4) above, the renewed petition states the last known home address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 October 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 December 2010.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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Hyung-Gyu Gu
A dong JungWoo Billa 774-11
Jayang 1 dong, Gwangjin-gu, Seoul
KOREA

MAILED
DEC 21 2011
PCT LEGAL ADMINISTRATION

In re Application of CHO et al
U.S. Application No.: 12/996,068
PCT Application No.: PCT/KR2008/005880
Int. Filing Date: 07 October 2008
Priority Date Claimed: 03 June 2008
For: MOVABLE AIR CONDITIONER

Dear Hyung-Gyu Gu:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

BryanLin
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KED & ASSOCIATES, LLP
P.O. BOX 8638
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Attorney Docket No.: HI-0588

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OFFICE OF PETITIONS

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

Applicants: Anna Hultberg et al
Appl. No.: 12/996,074
International Filing Date: June 5, 2009
Title: AMINO ACID SEQUENCES DIRECTED AGAINST ENVELOPE PROTEINS OF A VIRUS AND POLYPEPTIDES COMPRISING THE SAME FOR THE TREATMENT OF VIRAL DISEASES
Attorney Docket: A0848.70087US06
Pub. No.: US 20110182897 A1
Pub. Date: July 28, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 21, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on December 3, 2010, was not included in the publication.

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

The error noted by requestor with respect to the preliminary amendment is <u>not</u> an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

[1] <u>Changes to Implement Eighteen-Month Publication of Patent Applications</u>, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, <u>Off. Gaz. Pat. Office Notices</u> 63, 75 (Oct. 10, 2000) (final rule).

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

ENGLISH TRANSLATION

CLAIMS 1-7 AND 9

PCT claims 1-7. and 9 are novel and inventive

1. Leavening ferment characterized in that
- it is free of baker's yeast;
- it contains a mixture of at least two pure cultured strains of lactic acid bacteria, whereby the pure strains are chosen from the group consisting of *L. plantarum, L. pontis, L. sanfranciscensis, L. crispatus, L. suntoryeus, Le. argentinum, L. helveticus, L. paralimentarius, L. fermentum, L. paracasei, L. frumenti , L. alimentarius, W. cibaria, W. confusa, P. acidilactici, P. parvulus* and *P. pentosaceus*, whereby at least one chosen pure strain is a strain of *Pediococcus*, and
- it contains at least one cultured yeast strain, chosen from the group of strains consisting of *C. humilis, C. milleri, S. exiguus, S. cerevisiae, S. minor, S. pastorianus* und *S. fructuum*, whereby these yeasts have at no time point been grown or cultured on molasses.

2. The leavening ferment for manufacturing of baked goods is according to claim 1 characterized in that when the sponge dough or dough is prepared in direct propagation and incubated for 5 to 24 hours the lactic acid content reaches a maximum value of 1%.

3. The leavening ferment according to claim 1 or 2 for manufacturing of baked goods is characterized in that the sponge dough or dough is prepared in direct propagation and incubated for 5 to 24 hours wherein the fermentation quotient has a value of 1.0 to 10.

4. The leavening ferment according to claim 1 or 2 for manufacturing of baked goods is characterized in that the sponge dough or dough prepared in direct propagation and incubated for 5 to 24 hours has a maltose content of 0.3 to 1.8%.

5. The leavening ferment according to one of the claims 1 to 4 for manufacturing of baked goods characterized in that the manufactured sponge dough or dough after an incubation time of 5 to 24 hours has a CO_2 production rate of 70 to 300 ml/100 g flour.

6. Sourdough bread made with the leavening ferment according to one of the claims 1 to 5 characterized in that the crust of the finished baked bread contains the flavor additive vanillin at a concentration greater than 1000 µg/kg dry mass.

7. Sourdough baked goods made with the leavening ferment according to one of the claims 1 to 5 characterized in that the baked good or the bread has a maltose content of 0.3 to 1.8%.

9. The process according to claim 8, where the leavening ferment is free of baker's yeast, contains a mixture of at least two cultured pure strains of lactic acid bacteria chosen from the group consisting of *L. plantarum, L. pontis, L. sanfranciscensis, L. crispatus, L suntoryeus, Le. argentinum, L. helveticus, L. paralimentarius, l. fermentum, L. paracasei, L. frumenti, L. alimentarius, W. cibaria, W. confusa, P. acidilactici, P. parvulus and P. pentosaceus*. It also contains at least one yeast strain from the following group: *C. humilis, C. milleri, S. exiguus, S. cerevisiae, S. minor, S. pastorianus and S. fructuum,* whereby these yeasts have at no time point been grown or cultured on molasses.

[Certified translation of PCT claims 1-7 and 9 as filed]

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:	12/996,083	Filing date:	December 3, 2010
First Named Inventor:	Brandt, Markus		
Title of the Invention:	SINGLE-STAGE BAKED GOODS PRODUCTION		

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/EP2009/056764

The international date of the corresponding PCT application(s) is/are: June 2, 2009

I. List of Required Documents:

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

☑ Is attached

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

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

☑ Is attached.

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

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

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

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

(continued)

Application No.:	12/996,083
First Named Inventor:	Brandt, Markus

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 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 December 3, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	original PCT claim 1
2	2	original PCT claim 2
3	3	original PCT claim 3, mulitple dependency eliminated
4	4	original PCT claim 4, mulitple dependency eliminated
5	5	original PCT claim 5, mulitple dependency eliminated
6	6	original PCT claim 6, mulitple dependency eliminated
7	7	original PCT claim 7, mulitple dependency eliminated
8	9	finds support in PCT claims 1 and 9
9		
10		
11		
12		
13		
14		
15		

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

Signature: Sonia K. Guterman	Date 12/28/2010
Name (Print/Typed) Sonia K. Guterman	Registration Number 44,729

GERMAN

PCT CLAIMS 1-7 AND 9

Ansprüche 1-7, 9

1. Triebferment dadurch gekennzeichnet, dass
   - es frei von Backhefe ist;
   - es eine Mischung aus wenigstens zwei kultivierten Reinkulturen von Milchsäurebakterien, ausgewählt aus der Gruppe bestehend aus *L. plantarum, L. pontis, L. sanfranciscensis, L. crispatus, L. suntoryeus, Le. argentinum, L. helveticus, L. paralimentarius, L. fermentum, L. paracasei, L. frumenti , L. alimentarius, W. cibaria, W. confusa, P. acidilactici, P. parvulus* und *P. pentosaceus*, wobei wenigstens eine ausgewählte Reinkultur ein Pediokokken Stamm ist, enthält; und
   - es wenigstens einen kultivierten Stamm von Hefesprosspilzen enthält, ausgewählt aus der Gruppe bestehend aus *C. humilis, C. milleri, S. exiguus, S. cerevisiae, S. minor, S. pastorianus* und *S. fructuum*, wobei die besagten Hefesprosspilze zu keinem Zeitpunkt auf Melasse gezüchtet oder kultiviert wurden.

2. Triebferment nach Anspruch 1 zur Herstellung von Backwarenerzeugnissen dadurch gekennzeichnet, dass bei der Vorteig- oder Teigproduktion sich bei direkter Führung nach 5 bis 24 Stunden Inkubationszeit einen Milchsäuregehalt von maximal 1% erreicht wird.

3. Triebferment nach Anspruch 1 oder 2 zur Herstellung von Backwarenerzeugnissen dadurch gekennzeichnet, dass bei der Vorteig- oder Teigproduktion sich bei direkter Führung nach 5 bis 24 Stunden Inkubationszeit ein Gärungsquotient von 1,0 bis 10 einstellt.

4. Triebferment nach Anspruch 1 oder 2 zur Herstellung von Backwarenerzeugnissen dadurch gekennzeichnet, dass der Vorteig- oder die Teigproduktion bei direkter Führung nach 5 bis 24

Stunden Inkubationszeit einen Maltosegehalt von 0,3 bis 1,8 % hat.

5. Triebferment nach einem der Ansprüche 1 bis 4 zur Herstellung von Backwarenerzeugnissen dadurch gekennzeichnet, dass der erzeugte Vorteig- oder die Teigproduktion nach 5 bis 24 Stunden Inkubationszeit eine CO2 Produktionsrate von 70 bis 300 ml/100g Mehl aufweist.

6. Sauerteigbrot hergestellt mit dem Triebferment nach einem der Ansprüche 1 bis 5 dadurch gekennzeichnet, dass die Krume des fertig gebackenen Brotes den Aromastoff Vanillin in einer Konzentration von größer 1000 µg/kg Trockenmasse enthält.

7. Sauerteigbackwaren hergestellt mit dem Triebferment nach einem der Ansprüche 1 bis 5 dadurch gekennzeichnet, dass die Backware oder das Brot einen Maltosegehalt von 0,3 bis 1,8 % aufweist.

9. Verfahren nach Anspruch 8, wobei das Triebferment frei von Backhefe ist, eine Mischung aus wenigstens zwei kultivierten Reinkulturen von Milchsäurebakterien enthält, ausgewählt aus der Gruppe bestehend aus *L. plantarum, L. pontis, L. sanfranciscensis, L. crispatus, L. suntoryeus, Le. argentinum, L. helveticus, L. paralimentarius, L. fermentum, L. paracasei, L. frumenti, L. alimentarius, W. cibaria, W. confusa, P. acidilactici, P. parvulus* und *P. pentosaceus,* und wenigstens einen kultivierten Stamm von Hefesprosspilzen enthält, ausgewählt aus der Gruppe bestehend aus *C. humilis, C. milleri, S. exiguus, S. cerevisiae, S. minor, S. pastorianus* und *S. fructuum*, wobei die besagten Hefesprosspilze zu keinem Zeitpunkt auf Melasse gezüchtet oder kultiviert wurden.

GERMAN

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

PCT

INTERNATIONALER VORLÄUFIGER BERICHT ÜBER DIE PATENTIERBARKEIT

(Kapitel II des Vertrags über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens)

Aktenzeichen des Anmelders oder Anwalts P11462PC00	**WEITERES VORGEHEN** siehe Formblatt PCT/IPEA/416	
Internationales Aktenzeichen PCT/EP2009/056764	Internationales Anmeldedatum *(Tag/Monat/Jahr)* 02.06.2009	Prioritätsdatum *(Tag/Monat/Jahr)* 03.06.2008
Internationale Patentklassifikation (IPC) oder nationale Klassifikation und IPC INV. A21D8/04		
Anmelder Ernst Böcker GmbH & Co. KG		

1. Bei diesem Bericht handelt es sich um den internationalen vorläufigen Prüfungsbericht, der von der mit der internationalen vorläufigen Prüfung beauftragten Behörde nach Artikel 35 erstellt wurde und dem Anmelder gemäß Artikel 36 übermittelt wird.
2. Dieser BERICHT umfaßt insgesamt 7 Blätter einschließlich dieses Deckblatts.
3. Außerdem liegen dem Bericht ANLAGEN bei; diese umfassen
   a. ☒ *(an den Anmelder und das Internationale Büro gesandt)* insgesamt 3 Blätter; dabei handelt es sich um
      ☒ Blätter mit der Beschreibung, Ansprüchen und/oder Zeichnungen, die geändert wurden und diesem Bericht zugrunde liegen, und/oder Blätter mit Berichtigungen, denen die Behörde zugestimmt hat (siehe Regel 70.16 und Abschnitt 607 der Verwaltungsvorschriften).
      ☐ Blätter, die frühere Blätter ersetzen, die aber aus den in Feld Nr. 1, Punkt 4 und im Zusatzfeld angegebenen Gründen nach Auffassung der Behörde eine Änderung enthalten, die über den Offenbarungsgehalt der internationalen Anmeldung in der ursprünglich eingereichten Fassung hinausgeht.
   b. ☐ *(nur an das Internationale Büro gesandt)* insgesamt (bitte Art und Anzahl der/des elektronischen Datenträger(s) angeben) , der/die ein Sequenzprotokoll enthält/enthalten, nur in elektronischer Form, wie im Zusatzfeld betreffend das Sequenzprotokoll angegeben (siehe Ziffer 3*bis* des Anhangs C zu den Verwaltungsvorschriften).

4. Dieser Bericht enthält Angaben zu folgenden Punkten:

☒	Feld Nr. I	Grundlage des Berichts
☐	Feld Nr. II	Priorität
☐	Feld Nr. III	Keine Erstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit
☐	Feld Nr. IV	Mangelnde Einheitlichkeit der Erfindung
☒	Feld Nr. V	Begründete Feststellung nach Artikel 35(2) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung
☐	Feld Nr. VI	Bestimmte angeführte Unterlagen
☐	Feld Nr. VII	Bestimmte Mängel der internationalen Anmeldung
☐	Feld Nr. VIII	Bestimmte Bemerkungen zur internationalen Anmeldung

Datum der Einreichung des Antrags 2010-03-16	Datum der Fertigstellung dieses Berichts 12.08.2010
Name und Postanschrift der mit der internationalen vorläufigen Prüfung beauftragten Behörde Europäisches Patentamt D-80298 München Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	Bevollmächtigter Bediensteter Korb, Margit Tel. +49 89 2399-8639

INTERNATIONALER VORLÄUFIGER BERICHT ÜBER DIE PATENTIERBARKEIT

Internationales Aktenzeichen
PCT/EP2009/056764

Feld Nr. I Grundlage des Berichts

1. Hinsichtlich der **Sprache** beruht der Bescheid auf

☒ der internationalen Anmeldung in der Sprache, in der sie eingereicht wurde.

☐ einer Übersetzung der internationalen Anmeldung in die folgende Sprache , bei der es sich um die Sprache der Übersetzung handelt, die für folgenden Zweck eingereicht worden ist:

☐ internationale Recherche (nach Regeln 12.3 a) und 23.1 b))
☐ Veröffentlichung der internationalen Anmeldung (nach Regel 12.4 a))
☐ internationale vorläufige Prüfung (nach Regeln 55.2 a) und/oder 55.3 a))

2. Hinsichtlich der **Bestandteile*** der internationalen Anmeldung beruht der Bericht auf *(Ersatzblätter, die dem Anmeldeamt auf eine Aufforderung nach Artikel 14 hin vorgelegt wurden, gelten im Rahmen dieses Berichts als "ursprünglich eingereicht" und sind ihm nicht beigefügt)*:

Beschreibung, Seiten

1-21 in der ursprünglich eingereichten Fassung

Ansprüche, Nr.

1-15 eingereicht mit Schreiben vom 15-03-2010

☐ eines Sequenzprotokolls - siehe Zusatzfeld betreffend das Sequenzprotokoll.

3. ☐ Aufgrund der Änderungen sind folgende Unterlagen fortgefallen:

☐ Beschreibung: Seite
☐ Ansprüche: Nr.
☐ Zeichnungen: Blatt/Abb.
☐ Sequenzprotokoll *(genaue Angaben)*:
☐ etwaige zum Sequenzprotokoll gehörende Tabellen *(genaue Angaben)*:

4. ☒ Dieser Bericht ist ohne Berücksichtigung (von einigen) der diesem Bericht beigefügten und nachstehend aufgelisteten Änderungen erstellt worden, da diese aus den im Zusatzfeld angegebenen Gründen nach Auffassung der Behörde über den Offenbarungsgehalt in der ursprünglich eingereichten Fassung hinausgehen (Regel 70.2 c)).

☐ Beschreibung: Seite
☒ Ansprüche: Nr. 1
☐ Zeichnungen: Blatt/Abb.
☐ Sequenzprotokoll *(genaue Angaben)*:

5. ☐ Dieser Bescheid wurde erstellt unter Berücksichtigung der **Berichtigung eines offensichtlichen Fehlers**, die nach Regel 91 von dieser Behörde genehmigt wurde bzw. dieser Behörde mitgeteilt wurde (Regel 70.2 e)).

6. ☐ Bei der Erstellung dieses Berichts wurde der ergänzende internationale Recherchenbericht/wurden die ergänzenden internationalen Recherchenberichte der folgenden Behörde(n) berücksichtigt (R. 45bis.8 b) und c)).

Feld Nr. V Begründete Feststellung nach Artikel 35 (2) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit (N)	Ja:	Ansprüche	1-15
	Nein:	Ansprüche	
Erfinderische Tätigkeit (IS)	Ja:	Ansprüche	1-7, 9
	Nein:	Ansprüche	8, 10-15
Gewerbliche Anwendbarkeit (IA)	Ja:	Ansprüche:	1-15
	Nein:	Ansprüche:	

2. Unterlagen und Erklärungen (Regel 70.7):

siehe Beiblatt

Zu Punkt I

Grundlage des Bescheids

1 Im geänderten Anspruch 1 vom 16.03.2010 wurde das Merkmal "es frei von Backhefe ist" gestrichen. Da dieses Merkmal aber in der ursprünglichen Anmeldung offenbart ist (siehe z.B. den ursprünglich Anspruch 1), bringt das Streichen dieses Merkmals Sachverhalte ein, die über den Inhalt der Anmeldung in der ursprünglich eingereichten Fassung hinausgehen und damit gegen Artikel 19 (2)/Artikel 34 (2) b) PCT verstoßen.
Die weiteren Änderungen in Anspruch 1 lauten (siehe den Wortlaut in Anführungszeichen): ...von Milchsäurebakterien "enthält, wobei die Reinkulturen" ausgewählt "sind" ...., "und" wobei wenigstens eine ausgewählte Reinkultur ein Pediokokken Stamm ist ; und.... Diese Änderungen (Umformulierungen des Wortlautes vom ursprünglichen Anspruch 1) erfüllen die Erfordernisse von Artikel 19(2)/Artikel 34 (2) b) PCT).

Die Ansprüche 2-15 vom 16.03.2010 entsprechen den ursprünglichen Ansprüchen 2-15 und erfüllen ebenfalls die Erfordernisse von Artikel 19(2)/ Artikel 34 (2) b) PCT.

2 Der Internationale vorläufige Bericht zur Patentierbarkeit basiert daher auf die Ansprüche 1-15 vom 16.03.2010, wobei der Anspruch 1 weiterhin das Merkmal "es frei von Backhefe ist" (vgl. mit dem ursprünglichen Anspruch 1), enthält.

Zu Punkt V

Begründete Feststellung hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Es wird auf die folgenden Dokumente (D) verwiesen; die Numerierung wird auch im weiteren Verfahren beibehalten:

D1: EP-A-1 258 526 (ERNST BOECKER GMBH & CO KG [DE]) 20. November 2002 (2002-11-20)

D2: EP-A-1 283 011 (ERNST BOECKER GMBH & CO KG [DE]) 12. Februar 2003 (2003-02-12)

D3: US-A-5 776 526 (BAENSCH JOHANNES [SG] ET AL) 7. Juli 1998 (1998-07-07)

D4: DE 27 57 778 A1 (LESAFFRE & CIE) 29. Juni 1978 (1978-06-29)

D5: DATABASE WPI Week 200336 Thomson Scientific, London, GB; AN 2003-378528 XP002501272 & KR 200 305 452 A (LEE G P) 23. Januar 2003 (2003-01-23)

D6: DATABASE BIOSIS [Online] BIOSCIENCES INFORMATION SERVICE, PHILADELPHIA, PA, US; 1993, ODA Y ET AL: "Sodium chloride enhances the potential leavening ability of yeast in dough" XP002501273 Database accession no. PREV199396039238

3 D1 (z.B. [0021, 0029, 0036-0039], Ansprüche 1-31) offenbart eine an die Kulturbedingungen im vergärenden Getreidemahlprodukt-Wasser Gemisch adaptierte Mischflora bestehend aus spezifischen Hefen und Milchsäurebakterien zur Herstellung eines Sauerteiges. D1 (Abs. 0033) offenbart Mikroorganismen von getrockneten Sauerteigen oder Sauerteigstarter-Präparaten in getrockneter Form (Pulver), deren Flora in erster Linie aus trocknungsresistenten Organsimen wie z.B. Lb. plantarum, Lb. brevis sowie Pediococcus pentosaceus bestehen. D1 offenbart aber kein Beispiel eines Triebfermentes mit wenigstens zwei kultivierten Reinkulturen von Milchsäurebakterien wie definiert in Anspruch 1 und wobei wenigstens eine Reinkultur davon ein Pediokokken Stamm ausgewählt aus P. acidilactici, P. parvulus und P. pentosaceus ist, und das weiters wenigstens einen spezifischen kultivierten Stamm von Hefesprosspilzen wie in Anspruch 1 definiert, enthält.
Das beanspruchte Triebferment ist daher neu gegenüber D1 (Art. 33(2) PCT).

Das Verfahren zur Herstellung von Backwaren aus Sauerteig nach Anspruch 8 scheint neu zu sein, da in D1 (Bsp. 1) die Ruhephase 15 Minuten statt der im Anspruch definierten 1 bis 3 Stunden beträgt und ein spezifischer Milchsäuregehalt in diesem Beispiel für die erzeugte Backware nicht angegeben ist (Art. 33(2) PCT).

4 D2 (z.B. [0042-0050] und Ansprüche 1-20) offenbart Exopolysaccharide (extrazelluläre Polyfructosane) wie Lb. sanfranciscensis DSMZ 10613 und Lb. sanfranciscensis DSMZ 14373 bildende Mikroorganismen zur Verwendung in prebiotischen Sauerteigen.

D3 (z.B. Sp.6, Z.28-47) offenbart spezifische Bäckerhefen (Saccharomyces cerevisiae), die Sucrose, Glucose und Maltose fermentieren können.

D4 offenbart Maltose angepasste Hefestämme zur Teigherstellung.

D5 offenbart Brotherstellung unter Verwendung von Saccharomyces cerevisiae, die in einem spezifischen getreidesiruphaltigen Medium behandelt wird.

D6 offenbart Saccharomyces cerevisiae, die in einem YPS Medium (enthaltend Bacto-Hefeextract, Bacto-Pepton, Sucrose, KH-2PO-4 und MgSO-4) kultiviert wird.

Keines der Dokumente D2 bis D6 offenbart aber das Vorhandensein von wenigstens einem spezifischen Pediokokken-Stamm in einer Mischung aus wenigstens zwei spezifischne kultivierten Reinkulturen von Milchsäurebakterien und wenigstens einen spezifischen kultivierten Stamm von Hefesprosspilzen wie definiert in Anspruch 1. Das beanspruchte Triebferment ist daher ebenfalls neu gegenüber der einzelnen Dokumente D2 bis D6 (Art. 33(2) PCT). Das Verfahren nach Anspruch 8 ist ebenfalls nicht offenbart in einem der Dokumente D2 bis D6 und daher ebenfalls neu (Art. 33 (2) PCT).

5 Die Aufgabe der vorliegenden Anmeldung ist es, ein Triebferement bereitzustellen, das die Herstellung eines Vorteiges oder Sauerteiges in kurzer einstufiger Teigführung ermöglicht und der erhaltene Sauerteig eine gute Triebleistung , leichte Säuerung und gutes/mildes Aroma aufweist. In überraschenderweise wird durch Zusatz von Pedikokken im Triebferment nach Anspruch 1, diese Aufgabe gelöst. D1 wird als nächster Stand der Technik erachtet. D1 beschäftigt sich mit Starterkulturen zur Herstellung von Sauerteigen mit milden Säuregraden (siehe D1, S.6, [0054]). Das Triebferment wie in Anspruch 1 definiert, das einen spezifischen Pediokokken Stamm in der spezifischen Reinkultur Mischung enthält, ist aus D1 zur Lösung der Aufgabe wie vorhin genannt, für den Fachmann nicht

offensichtlich. Das beanspruchte Triebferment als auch das Verfahren nach Anspruch 9 beruht daher auch auf einer erfinderischen Tätigkeit gegenüber D1 (Art. 33(3) PCT). Aus der Kombination von D1 mit einem der Dokumente D2 bis D6 ist das beanspruchte Triebferment zur Lösung der Aufgabe der vorliegenden Anmeldung ebenfalls für den Fachmann nicht offensichtlich.

Der Verfahrensanspruch 8 und die davon abhängigen Ansprüche 10-15 definieren aber nicht das spezifische beanspruchte Triebferment, das zur Lösung der oben genannten Aufgabe notwendig scheint. Die Erfordernisse von Art. 6 PCT und Art. 33(3) PCT sind im Hinblick auf diese Verfahrensansprüche daher nicht erfüllt.

PCT/EP2009/056764
Unser Zeichen: P11462PC00

geänderte Ansprüche

1. Triebferment dadurch gekennzeichnet, dass

   - es eine Mischung aus wenigstens zwei kultivierten Reinkulturen von Milchsäurebakterien enthält, wobei die Reinkulturen ausgewählt sind aus der Gruppe bestehend aus *L. plantarum, L. pontis, L. sanfranciscensis, L. crispatus, L. suntoryeus, Le. argentinum, L. helveticus, L. paralimentarius, L. fermentum, L. paracasei, L. frumenti*, *L. alimentarius, W. cibaria, W. confusa, P. acidilactici, P. parvulus* und *P. pentosaceus*, und wobei wenigstens eine ausgewählte Reinkultur ein Pediokokken Stamm ist; und
   - es wenigstens einen kultivierten Stamm von Hefesprosspilzen enthält, ausgewählt aus der Gruppe bestehend aus *C. humilis, C. milleri, S. exiguus, S. cerevisiae, S. minor, S. pastorianus* und *S. fructuum*, wobei die besagten Hefesprosspilze zu keinem Zeitpunkt auf Melasse gezüchtet oder kultiviert wurden.

2. Triebferment nach Anspruch 1 zur Herstellung von Backwarenerzeugnissen dadurch gekennzeichnet, dass
   bei der Vorteig- oder Teigproduktion sich bei direkter Führung nach 5 bis 24 Stunden Inkubationszeit einen Milchsäuregehalt von maximal 1% erreicht wird.

3. Triebferment nach Anspruch 1 oder 2 zur Herstellung von Backwarenerzeugnissen dadurch gekennzeichnet, dass
   bei der Vorteig- oder Teigproduktion sich bei direkter Führung nach 5 bis 24 Stunden Inkubationszeit ein Gärungsquotient von 1,0 bis 10 einstellt.

4. Triebferment nach Anspruch 1 oder 2 zur Herstellung von Backwarenerzeugnissen dadurch gekennzeichnet, dass
   der Vorteig- oder die Teigproduktion bei direkter Führung nach 5 bis 24 Stunden Inkubationszeit einen Maltosegehalt von 0,3 bis 1,8 % hat.

5. Triebferment nach einem der Ansprüche 1 bis 4 zur Herstellung von Backwarenerzeugnissen dadurch gekennzeichnet, dass
   der erzeugte Vorteig- oder die Teigproduktion nach 5 bis 24 Stunden Inkubationszeit eine

CO2 Produktionsrate von 70 bis 300 ml/100g Mehl aufweist.

6. Sauerteigbrot hergestellt mit dem Triebferment nach einem der Ansprüche 1 bis 5 dadurch gekennzeichnet, dass die Krume des fertig gebackenen Brotes den Aromastoff Vanillin in einer Konzentration von größer 1000 µg/kg Trockenmasse enthält.

7. Sauerteigbackwaren hergestellt mit dem Triebferment nach einem der Ansprüche 1 bis 5 dadurch gekennzeichnet, dass die Backware oder das Brot einen Maltosegehalt von 0,3 bis 1,8 % aufweist.

8. Verfahren zur Herstellung von Backwaren aus Sauerteig dadurch gekennzeichnet, dass
- ein einem ersten Schritt Mehl mit Wasser und einem Triebferment angesetzt wird und diese Mischung in direkter Führung bei 15° bis 30°C inkubiert wird;
- in einem zweiten Schritt weitere Backzutaten und Inhaltsstoffe, jedoch keine Backhefe oder andere Triebmittel zugegeben werden;
- die Backware in einem dritten Schritt nach einer Ruhephase von 1 bis 3 Stunden ausgebacken wird; und
- die erzeugte Backware einen Milchsäuregehalt von maximal 1% aufweist.

9. Verfahren nach Anspruch 8, wobei das Triebferment frei von Backhefe ist, eine Mischung aus wenigstens zwei kultivierten Reinkulturen von Milchsäurebakterien enthält, ausgewählt aus der Gruppe bestehend aus *L. plantarum, L. pontis, L. sanfranciscensis, L. crispatus, L. suntoryeus, Le. argentinum, L. helveticus, L. paralimentarius, L. fermentum, L. paracasei, L. frumenti, L. alimentarius, W. cibaria, W. confusa, P. acidilactici, P. parvulus* und *P. pentosaceus*, und wenigstens einen kultivierten Stamm von Hefesprosspilzen enthält, ausgewählt aus der Gruppe bestehend aus *C. humilis, C. milleri, S. exiguus, S. cerevisiae, S. minor, S. pastorianus* und *S. fructuum*, wobei die besagten Hefesprosspilze zu keinem Zeitpunkt auf Melasse gezüchtet oder kultiviert wurden.

10. Verfahren nach Anspruch 8 oder 9, wobei sich durch den Einsatz des Triebferments bei der Vorteig- oder Teigproduktion in direkter Führung nach 5 bis 24 Stunden ein Gärungsquotient von 1,0 bis 10 einstellt.

11. Verfahren nach einem der Ansprüche 8 bis 10, wobei der Vorteig oder Teig nach 16 bis 24 Stunden Inkubationszeit eine CO2 Produktionsrate von 70 bis 300 ml/100g Mehl aufweist.

12. Verfahren nach einem der Ansprüche 8 bis 11, wobei hydrolytische Enzyme zur Intensivierung der Geschmacksentwicklung zugegeben werden.

13. Sauerteigbrot hergestellt nach dem Verfahren nach einem der Ansprüche 8 bis 12 dadurch gekennzeichnet, dass die Krume des fertig gebackene Brot den Aromastoff Vanillin in einer Konzentration von größer 1000 µg/kg Trockenmasse enthält.

14. Sauerteigbackwaren hergestellt nach dem Verfahren nach einem der Ansprüche 8 bis 12 dadurch gekennzeichnet, dass die Backware oder das Brot einen Maltosegehalt von 0,3 bis 1,8 % aufweist.

15. Verfahren zur Herstellung von Backwaren nach Anspruch 8 oder 9, wobei sich durch den Einsatz des Triebferments bei der Vorteig- oder Teigproduktion in direkter Führung der Einsatz von kommerzieller Backhefe reduzieren lässt.

ENGLISH TRANSLATION

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

Applicant's or agent's file reference **P11462PC00**	**IMPORTANT NOTIFICATION**	See Form PCT/IPEA/416
International application No. PCT/EP2009/056764	International filing date *(day/month/year)* 02.06.2009	Priority date *(day/month/year)* 03.06.2008
International Patent Classification (IPC) or national classification and IPC INV. A21D8/04		
Applicant Ernst Boecker GmbH & Co. KG		

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 7 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. X *(sent to the applicant and to the International Bureau)* a total of 3 sheets, as follows:
      X sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3*bis* of Annex C of the Administrative Instructions).
4. This report contains indications relating to the following items:

X	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
X	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
2010-03-16	12.08.2010
Name and mailing address of the IPEA/ EPO MUNICH	Authorized officer Margit Korb Telephone No. +49 89 2399-8639

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2009/056764

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

   X☐ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:

   ☐ international search (Rules 12.3(a) and 23.1(b))
   ☐ publication of the international application (Rule 12.4(a))
   ☐ international preliminary examination (Rules 55.2(a) and 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 description:

   Pages 1-21 as originally filed/furnished

   ☐ the claims:

   1-15 as filed with the communication dated 15-03-2010

3. ☐ The amendments have resulted in the cancellation of:
   ☐ the description, pages _____
   ☐ the claims, Nos. _____
   ☐ the drawings, sheets/figs _____
   ☐ the sequence listing *(specify)*: _____
   ☐ any tables relating to the sequence listing *(specify)*: _____

4. X This report is 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. 1
   ☐ the drawings, sheets/figs _____
   ☐ 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)).

6. ☐ Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45*bis*.8(b) and (c)).

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-15	YES
	Claims		NO
Inventive Step (IS)	Claims	1-7, 9	YES
	Claims	8, 10-15	NO
Industrial Applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

see Supplemental Box

Continuation of: Box I

Basis of the report

1. In the amended claim 1 of 16.03.2010, the feature "it is free of baker's yeast" has been deleted. However, since this feature is disclosed in the original application (see e.g. the original claim 1), the deletion of this feature introduces substantive matter which, contrary to PCT Article 19(2)/Article 34(2)(b), goes beyond the disclosure of the international application as filed. The further modifications in claim 1 are as follows (see the wording in quotation marks): "contains" ... of lactic acid bacteria ", wherein the pure cultures are" selected ... "and" wherein at least one selected pure culture is a pediococcal strain; and... These amendments (redrafting the wording of the original claim 1) meet the requirements of PCT Article 19(2)/Article 34(2)(b).

   Claims 2-15 of 16.03.2010 correspond to the original claims 2-15 and likewise meet the requirements of PCT Article 19(2)/Article 34(2)(b).

2. The international preliminary report on patentability is therefore based on claims 1-15 of 16.03.2010, wherein claim 1 in addition contains the feature "it is free of baker's yeast" (cf. the original claim 1).

Continuation of Box V

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

1. Reference is made to the following documents (D); the same numbering will be used throughout the rest of the procedure:

D1: EP-A-1 258 526 (ERNST BOECKER GMBH & CO KG [DE]) 20 November 2002 (2002-11-20)
D2: EP-A-1 283 011 (ERNST BOECKER GMBH & CO KG [DE]) 12 February 2003 (2003-02-12)
D3: US-A-5 776 526 (BAENSCH JOHANNES [SG] ET AL.) 7 July 1998 (1998-07-07)
D4: DE 27 57 778 A1 (LESAFFRE & CIE) 29 June 1978 (1978-06-29)

D5: DATABASE WPI Week 200336 Thomson Scientific, London, GB; AN 2003-378528 XP002501272 & KR 200 305 452 A (LEE G P) 23 January 2003 (2003-01-23)
D6: DATABASE BIOSIS [Online] BIOSCIENCES INFORMATION SERVICE, PHILADELPHIA, PA, US; 1993, ODA Y ET AL.: "Sodium chloride enhances the potential leavening ability of yeast in dough" XP002501273 Database accession no. PREV19939 6039238

3 D1 (e.g. [0021, 0029, 0036-0039], claims 1-31) discloses a mixed flora adapted to the culture conditions in the fermenting cereal flour product – water mixture, which mixed flora consists of specific yeasts and lactic acid bacteria for producing a sourdough. D1 (paragraph 0033) discloses microorganisms of dried sourdoughs or sourdough starter preparations in dried form (powder), the flora of which primarily consist of drying-resistant organisms such as, e.g., *Lb. plantarum*, *Lb. brevis* and also *Pediococcus pentosaceus*. However, D1 does not disclose any example of a leavening ferment having at least two cultured pure cultures of lactic acid bacteria as defined in claim 1, and wherein at least one pure culture thereof is a pediococcal strain selected from *P. acidilactici*, *P. parvulus* and *P. pentosaceus*, and which further contains at least one specific cultured strain of yeast like fungi as defined in claim 1.
The claimed leavening ferment is therefore novel over D1 (PCT Article 33(2)).

The method for producing bakery products from sourdough as per claim 8 appears to be novel, since in D1 (example 1) the resting phase is 15 minutes instead of the 1 to 3 hours defined in the claim and no specific lactic acid content is cited in this example for the bakery product produced (PCT Article 33(2)).

4 D2 (e.g. [0042-0050] and claims 1-20) discloses microorganisms forming exopolysaccharides (extracellular polyfructosans) such as *Lb. sanfranciscensis* DSMZ 10613 and *Lb. sanfranciscensis* DSMZ 14373 for use in prebiotic sourdoughs.

D3 (e.g. column 6, lines 28-47) discloses specific baker's yeasts (*Saccharomyces cerevisiae*) which can ferment sucrose, glucose and maltose.

D4 discloses maltose-adapted yeast strains for dough production.

D5 discloses bread manufacture using *Saccharomyces cerevisiae*, that is treated in a specific cereal-syrup-containing medium.

D6 discloses *Saccharomyces cerevisiae* that is cultured in a YPS medium (containing Bacto-yeast extract, Bacto-peptone, sucrose, KH_2PO_4 and $MgSO_4$).

None of the documents D2 to D6, however, discloses the presence of at least one specific pediococcal strain in a mixture of at least two specific cultured pure cultures of lactic acid bacteria and at least one specific cultured strain of yeast like fungi as defined in claim 1. The claimed leavening ferment is therefore likewise novel over the individual documents D2 to D6 (PCT Article 33(2)). The method as per claim 8 is likewise not disclosed in any of the document D2 to D6 and is therefore likewise novel (PCT Article 33(2)).

5 The problem of the present application is to provide a leavening ferment which makes it possible to produce a sponge dough or sourdough in a short one-stage dough making procedure with the resultant sourdough having a good rising activity, slight acidification and good/mild aroma. Surprisingly, by adding pediococci in the leavening ferment as per claim 1, this problem is solved. D1 is considered to be the closest prior art. D1 is concerned with starter cultures for producing sourdoughs having mild degrees of acidity (see D1, page 6, [0054]). The leavening ferment as defined in claim 1 that contains a specific pediococcal strain in the specific pure culture mixture is not obvious from D1 to a person skilled in the art for solving the problem as mentioned hereinbefore. The claimed leavening ferment and also the method as per claim 9 therefore involve an inventive step with respect to D1 (PCT Article 33(3)). The claimed leavening ferment for solving the problem of the present application is likewise not obvious to a person skilled in the art from the combination of D1 with any of the documents D2 to D6.

The method claim 8 and claims 10-15 that are dependent thereon, however, do not define the specific claimed leavening ferment that appears to be necessary for solving the abovementioned problem. Therefore, the requirements of PCT Article 6 and PCT Article 33(3) do not appear to be met with respect to these method claims.

Second Preliminary Amendment (U.S. National stage application)
Date of electronic deposit: December 28, 2010

IN THE PCT RECEIVING OFFICE
OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:	Brandt, et al.	Docket No:	14849-003
U.S. serial number:	12/996,083	Examiner:	Not yet assigned
35 U.S.C. § 371 filing date:	December 3, 2010	Art Unit:	Not yet assigned
International application number and filing date.:	PCT/EP2009/056764 filed June 2, 2009		
Title:	Single-stage baked goods production		

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

Statement of accuracy of English translation of PCT claims 1-7 and 9

The English translation of PCT claims 1-7 and 9 submitted with this Request for Participation in the PCT-PPH Pilot Program between the European Patent Office and the U. S. Patent and Trade Mark Office, is an accurate translation of the German language PCT claims 1-7 and 9 as originally filed.

Respectfully submitted,

Sonia K. Guterman
Registration number 44,729
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88 Black Falcon Ave., Suite 345
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Dated: December 28, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/996,083	12/03/2010	Markus Brandt	14849-003	5409

48425 7590 03/21/2011
LAWSON & WEITZEN, LLP
88 BLACK FALCON AVE
SUITE 345
BOSTON, MA 02210

EXAMINER

ART UNIT	PAPER NUMBER
1781	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

March 21, 2011

In re application of	:	DECISION ON REQUEST TO
Brandt, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/996,083	:	PROSECUTION HIGHWAY
Filed: December 03, 2010	:	PROGRAM AND
For: **SINGLE-STAGE BAKED**	:	PETITION TO MAKE SPECIAL
GOODS PRODUCTION	:	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 28, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application 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

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.
12/996,084	12/03/2010	Jang Cheon Ahn	SLF0003US	5415

23413 7590 02/07/2011
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
VO, PETER DUNG BA

ART UNIT	PAPER NUMBER
3718	

NOTIFICATION DATE	DELIVERY MODE
02/07/2011	ELECTRONIC

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

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

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

usptopatentmail@cantorcolburn.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

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
AHN, JANG CHEON et al	:	DECISION ON REQUEST TO
Application No. 12/996,084	:	PARTICIPATE IN PATENT
Filed: Dec. 3, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. SLF0003US	:	PROGRAM AND PETITION
Title: METHOD FOR RHYTHM ACTION GAME USING TERMINAL OPERATED WITH KEYPAD, AND RECORDING MEDIUM WITH PROGRAMME CAPABLE OF RUNNING SAID GAME RECORDED THEREON	:	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. 6, 2010, to make the above-identified application special.

The request and petition are granted.

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

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

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

Other inquiries concerning the examination or status of the application should be directed to Peter Vo, the SPE of Art Unit 3718 and 571-272-4690 for Class 463/31 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

HESPOS & PORCO LLP
110 West 40th Street
Suite 2501
NEW YORK NY 10018

MAILED

JAN 03 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
KUHN	:	DECISION ON PETITION
Application No.: 12/996,097	:	
PCT No.: PCT/EP2009/003641	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 22 May 2009	:	
Priority Date: 21 May 2008	:	
Atty. Docket No.: 14301US	:	
For: BELT CONVEYOR	:	

The petition to revive under 37 CFR 1.137(b) filed 03 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply form the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

United States Patent and Trademark Office

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

FEB 02 2011

PCT LEGAL ADMINISTRATION

OSTRAGER CHONG FLAHERTY & BROITMAN PC
570 LEXINGTON AVENUE
FLOOR 17
NEW YORK NY 10022-6894

In re Application of
Guruprasad et al.
Application No.: 12/996,116
PCT No.: PCT/US2006/005103
Int. Filing Date: 14 February 2006
Priority Date: 13 July 2005
Attorney Docket No.: VG-P7-US
For: Distance-Dependent Spectra With Uniform Sampling Spectrometry

DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed on 03 December 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 **03 December 2010**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/996,120	12/03/2010	Tomonari Yamakawa	147689	5610

25944 7590 07/18/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

ART UNIT	PAPER NUMBER
3656	

NOTIFICATION DATE	DELIVERY MODE
07/18/2011	ELECTRONIC

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

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

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 15 2011

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

In re application of Yamakawa et al. Application No. 12/996,120 Filed: December 03, 2010 For: STEERING APPARATUS	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

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

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed on May 26, 2011 and 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: 7/15/11

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

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Nicholas John Edgington	:	
Application No. 12/996,135	:	DECISION ON PETITION
Filed: December 3, 2010	:	TO WITHDRAW
Attorney Docket No. 371037US23PCT	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 19, 2011.

The request is **APPROVED**.

The request was signed by Ronald A. Rudder on behalf of the practitioners of record associated with Customer Number 22850.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Nicholas J. Edgington at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Nicholas J. Edgington
c/o Quantum Confined, Ltd.
116 Research Drive
Bethlehem, PA 18015

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/996,135	12/03/2010	Nicholas John Edgington	371037US23PCT

CONFIRMATION NO. 5703

POWER OF ATTORNEY NOTICE

22850
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

OC000000048245395

Date Mailed: 06/17/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/19/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/996,135	12/03/2010	Nicholas John Edgington	371037US23PCT

CONFIRMATION NO. 5703

POA ACCEPTANCE LETTER

Nicholas J. Edgington
c/o Quantum Confined, Ltd.
116 Research Drive
Bethlehem, PA 18015

OC000000048245396

Date Mailed: 06/17/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/19/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/996,214	12/03/2010	Karl Norrman	4015-7206 / P26261-US2	6106

24112 7590 08/24/2011
COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
08/24/2011	PAPER

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

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

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

In re Application of: Norrman et al.
Application No. 12996214
Filed: December 03, 2010
For: **CRYPTOGRAPHIC KEY GENERATION**

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 August 05, 2011, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application must (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

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

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; 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

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

JAN 11 2012

OFFICE OF PETITIONS

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

In re Application of
Dae Hee LEE et al.
Application No.: 12/996,241
Filed: December 3, 2010
Attorney Docket No. 3570-145
For: 3D Glasses for Stereoscopic Display...

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the 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 under 35 U.S.C 365 (b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority under 35 U.S.C 365 (b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C 365 (b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/patentable claim(s) if not in English and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. a copy: all office action(s) from of each of the KIPO application(s) containing the allowable/patentable claim(s)
   b. An English language translation of the KIPO Office action if not in English
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action(s) (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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 Joanne Hama at 571-272-2911 or in her absence, David Bucci 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/996,275	12/03/2010	Kunihiko Yoshida	083624-0013	6421

20277 7590 06/01/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

ART UNIT	PAPER NUMBER
1781	

NOTIFICATION DATE	DELIVERY MODE
06/01/2011	ELECTRONIC

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

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

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

mweipdocket@mwe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
Yoshida, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/996275	:	PROSECUTION HIGHWAY
Filed: December 03, 2010	:	PROGRAM AND
For: **BUNCHY FRESH NOODLES USED**	:	PETITION TO MAKE SPECIAL
AS INSTANT NOODLES	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed March 16, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

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

(6) Applicant must submit:

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

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

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

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

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

/ Emily M. Le/

Emily M. Le
Supervisory Patent Examiner,
Technology Center 1700

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: 11572.0001-00000	Application Number (if known): 12/966,317	Filing date: Int'l Filing Date: June 8, 2009

First Named Inventor: James HOFFMAN

Title: SOLAR ENERGY COLLECTION SYSTEM

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Statement in Support of Petition to Make Special

Signature	Date June 21, 2011
Name (Print/Typed) Charles Cathey, Ph.D.	Registration Number 63,587

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

*Total of 1 forms are submitted.

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

PATENT
Customer No. 22,852
Attorney Docket No. 11572.0001-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. National Phase of PCT/US2009/046606	)	
Inventor: James HOFFMAN	)	Group Art Unit: Not yet assigned
Application No.: 12/966,317	)	Examiner: Not yet assigned
Filed: Int'l Filing Date: June 8, 2009	)	Confirmation No.: 6674
For: SOLAR ENERGY COLLECTION SYSTEM	)	

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

Sir:

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

Applicant submits this Statement concurrently with a Petition to Make Special Under the Green Technology Pilot Program, Information Disclosure Statement, PTO SB/08 Form, and a Preliminary Amendment. Applicant submits that this application qualifies for participation in the Green Technology Pilot Program because it meets the eligibility requirements set forth in the notice entitled "*Pilot Program for Green Technologies Including Greenhouse Gas Reduction*," 74 Fed. Reg. 64666-69 (published December 8, 2009) ("the Program Notice"), as modified by the notices entitled "*Elimination of Classification Requirement in the Green Technology Pilot Program*," 75 Fed. Reg. 28554-55 (published May 21, 2010), and "*Expansion and Extension of the*

Green Technology Pilot Program," 75 Fed. Reg. 69049-50 (published November 10, 2010).

I. Modified Requirements Under Section I of the Program Notice

(1) This application is an international application that has entered the national stage in compliance with 35 U.S.C. § 371(c).

(2) As noted above, this Statement is being filed concurrently with a Preliminary Amendment in compliance with 37 C.F.R. § 1.121. As amended by the Preliminary Amendment, this application currently contains three independent claims, twenty total claims, and no multiple dependent claims.

(3) The currently pending claims are directed to a single invention that at least materially contributes to the development of renewable energy resources. If, however, the Office determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), Applicant agrees to make an election without traverse in a telephonic interview, and to elect an invention that meets the eligibility requirements set forth in the Program Notice.

(4) The Applicant filed this petition via EFS-Web, selecting the document description "Petition for Green Tech Pilot." This Statement is being electronically filed with a Form PTO/SB/420 before December 31, 2011.

(5) To the undersigned's knowledge, this Statement is being filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. As of today, PAIR indicates the status of this application to be: "Docketed New Case–Ready for Examination."

(6) Concurrent with this Petition, Applicant is filing a request for early publication in compliance with 37 C.F.R. § 1.219 using Form PTO/SB/420 and accompanied by the $300 publication fee as set forth in 37 C.F.R. § 1.18(d).

II. Requirements Under Section III of the Program Notice

As stated in Section III of the Program Notice, "[p]atent applications are [] eligible for the Green Technology Pilot Program if the applications are for inventions that materially contribute to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) the reduction of greenhouse gas emissions." 74 Fed. Reg. 64666-69 (December 8, 2009) at 64667.

Applicant submits that the basis for the special status for this application is that the application is for inventions that materially contribute to "the discovery or development of renewable energy resources." Applicant's inventions relate to apparatus and methods for collecting solar energy using optical concentration with moving modules that track the sun, and in particular, and to apparatus and methods suitable for the construction of systems having form factors and installation features similar to conventional solar panels. Specification at page 1, lines 11-14.

III. Conclusion

This Statement and the accompanying Petition are in full compliance with the pertinent statutes and regulations. If the Office, for any reason, considers the

documents submitted herewith to be deficient in any way, the Office is invited to call Applicant's undersigned representative at (650) 849-6766.

Applicant understands that no fee is required for participation in the Green Technology Pilot Program. If, however, any fee is necessary, please charge it to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 21, 2011

By:

Charles Cathey.
Reg. No. 63,587
(650) 849-6766

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.
12/996,317	06/21/2011	James Hoffman	11572.0001-00000	6674

22852 7590 08/22/2011
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
08/22/2011	PAPER

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

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

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

AUG 2 2 2011

In re Application of	:	
James Hoffman	:	DECISION ON PETITION
Application No. 12/996,317	:	TO MAKE SPECIAL UNDER
Filed: December 03, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 11572.0001-00000	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 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 Blaine Copenheaver at 571-272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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:	12/996,382	Filing date:	12-03-2010
First Named Inventor:	Kunio Kamimura		
Title of the Invention:	PROGRAM FOR DISPLAYING AND OPERATING TABLE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/001566

The international date of the corresponding PCT application(s) is/are: 18.06.2008

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.

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

(continued)

Application No.:	12/996,382
First Named Inventor:	Kunio Kamimura , Tokyo, (JP)

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 05-29-2011

(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 05-29-2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 1	Claim 5 (PCT article 34)	Exact translation (See 2.1 and 2.2 of attached file)
Claim 2	Claim 6 (PCT article 34)	Exact translation (See 2.1 and 2.2 of attached file)
Claim 3	Claim 7 (PCT article 34)	Exact translation (See 2.1 and 2.2 of attached file)

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

Signature /Dr. Kunio Kamimura #92764/	Date 05-30-2010
Name (Print/Typed) Kunio Kamimura	Registration 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:

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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.

Copy of all claims

amended under PCT article 34 and received by the authority on 12.11.2008,

which are indicated as having novelty, inventive step and industrial applicability by PCT/IPEA

Table of Contents

1. Japanese claims P.2

2. Translation into English

2.1 Exact translation P.5

2.2 Explanation on exact translation P.9

2.2.1 Problem of the literal translation

2.2.2 Resolution

Appendix A. Literal translation P.10

Appendix B. English translation of claims P.14

that were originally submitted to PCT on 8.06.2008, and comments on claims at entering the U.S. national phase

1. Japanese claims

PCT/JP2008/001566
日本国特許庁 12.11.2008

請求の範囲

[1] （補正後）リレーショナルデータベースを操作する装置であって、

（１）データベースのテーブルを表として表示する手段と、

（２）該表の一部として該表の列に、該表からリレーションが設定された参照先のテーブルのレコードの一覧を、該表のレコードとの対応を無視して表示する手段と、

（３）該表のレコードが選択された時に、該レコードと並べて、該レコードが参照する該列のレコードを表示する手段、

で構成される装置。

[2] （補正後）リレーショナルデータベースを操作する装置であって、

（１）データベースのテーブルを表として表示する手段と、

（２）該表の一部として該表の列に、該表からリレーションが設定された参照先のテーブルのレコードの一覧を、該表のレコードとの対応を無視して表示する手段と、

（３）該表のレコードが選択された時に、該レコードが参照する該列のレコードを強調表示する手段、

で構成される装置。

[3] （補正後）リレーショナルデータベースを操作する装置であって、

（１）データベースのテーブルを表として表示する手段と、

（２）該表の一部として該表の列に、該表からリレーションが設定された参照先のテーブルのレコードの一覧を、該表のレコードとの対応を無視して表示する手段と、

（３）該列のレコードが選択された時に、該レコードを参照する該表のレコードを、強調表示する手段、

で構成される装置。

[4] （補正後）リレーショナルデータベースを操作する装置であって、

（１）データベースのテーブルを表として表示する手段と、

（２）該表の一部として該表の列に、該表からリレーションが設定された参

照先のテーブルのレコードの一覧を、該表のレコードとの対応を無視して表示する手段と、

（３）選択された該表のレコードの参照先を、選択された該列のレコードに設定する手段、

で構成される装置。

[5] （追加）リレーショナルデータベースを表示する方法であって、

（１）データベースのテーブルを表として表示する工程と、

（２）該表の一部として該表の列に、該表からリレーションが設定された参照先のテーブルのレコードの一覧を、該表のレコードとの対応を無視して表示する工程と、

（３）該表のレコードが選択された時に、該レコードと並べて、該レコードが参照する該列のレコードを表示する工程、

で構成される方法。

[6] （追加）リレーショナルデータベースを表示する方法であって、

（１）データベースのテーブルを表として表示する工程と、

（２）該表の一部として該表の列に、該表からリレーションが設定された参照先のテーブルのレコードの一覧を、該表のレコードとの対応を無視して表示する工程と、

（３）該表のレコードが選択された時に、該レコードが参照する該列のレコードを強調表示する工程、

で構成される方法。

[7] （追加）リレーショナルデータベースを表示する方法であって、

（１）データベースのテーブルを表として表示する工程と、

（２）該表の一部として該表の列に、該表からリレーションが設定された参照先のテーブルのレコードの一覧を、該表のレコードとの対応を無視して表示する工程と、

（３）該列のレコードが選択された時に、該レコードを参照する該表のレコードを、強調表示する工程、

PCT/JP2008/001566
日本国特許庁 12.11.2008

で構成される方法。

[8] （追加）リレーショナルデータベースを操作する方法であって、

（1）データベースのテーブルを表として表示する工程と、

（2）該表の一部として該表の列に、該表からリレーションが設定された参照先のテーブルのレコードの一覧を、該表のレコードとの対応を無視して表示する工程と、

（3）選択された該表のレコードの参照先を、選択された該列のレコードに設定する工程、

で構成される方法。

2. Translation into English

2.1 Exact translation

[Claim 1] (Amended)

An apparatus of operating a relational database, comprising

(1) a means of displaying a table (hereinafter "displayed-table") of said database, in a table style,

(2) a means of displaying a list of a record of a table that has been referred from a record of said displayed-table, as a column of said displayed-table, ignoring correspondence with a record of said displayed-table,

(3) a means of displaying a record of said column that is referred from a selected record of said displayed-table, as said selected record side by side, at the time of the selection.

[Claim 2] (Amended)

An apparatus of operating a relational database, comprising

(1) a means of displaying a table (hereinafter "displayed-table") of said database, in a table style,

(2) a means of displaying a list of a record of a table that has been referred from a record of said displayed-table, as a column of said displayed-table, ignoring correspondence with a record of said displayed-table,

(3) a means of emphasizing a record of said column that is referred from a selected record of said displayed-table, at the time of the selection.

[Claim 3] (Amended)

An apparatus of operating a relational database, comprising

(1) a means of displaying a table (hereinafter "displayed-table") of said database, in a table style,

(2) a means of displaying a list of a record of a table that has been referred from a record of said displayed-table, as a column of said displayed-table, ignoring correspondence with a record of said displayed-table,

(3) a means of emphasizing a record of said displayed-table that refers to a selected record of said column, at the time of the selection.

[Claim 4] (Amended)

An apparatus of operating a relational database, comprising,

(1) a means of displaying a table (hereinafter "displayed-table") of said database, in a table style,

(2) a means of displaying a list of a record of a table that has been referred from a record of said displayed-table, as a column of said displayed-table, ignoring correspondence with a record of said displayed-table,

(3) a means of setting a reference from a record chosen in said displayed-table to a record chosen in said column.

[Claim 5] (Added)

A method of displaying a relational database, comprising,

(1) a process of displaying a table (hereinafter "displayed-table") of said database, in a table style,

(2) a process of displaying a list of a record of a table that has been referred from a record of said displayed-table, as a column of said displayed-table, ignoring correspondence with a record of said displayed-table,

(3) a process of displaying a record of said column that is referred from a selected record of said displayed-table, as said selected record side by side, at the time of the selection.

[Claim 6] (Added)

A method of displaying a relational database, comprising,

(1) a process of displaying a table (hereinafter "displayed-table") of said database, in a table style,

(2) a process of displaying a list of a record of a table that has been referred from a record of said displayed-table, as a column of said displayed-table, ignoring correspondence with a record of said displayed-table,

(3) a process of emphasizing a record of said column that is referred from a selected record of said displayed-table, at the time of the selection.

[Claim 7] (Added)

A method of displaying a relational database, comprising

(1) a process of displaying a table (hereinafter "displayed-table") of said database, in a table style,

(2) a process of displaying a list of a record of a table that has been referred from a record of said displayed-table, as a column of said displayed-table, ignoring correspondence with a record of said displayed-table,

(3) a process of emphasizing a record of said displayed-table that refers to a selected record of said column, at the time of the selection.

[Claim 8] (Added)

A method of displaying a relational database, comprising

(1) a process of displaying a table (hereinafter "displayed-table") of said database, in a table style,

(2) a process of displaying a list of a record of a table that has been referred from a record of said displayed-table, as a column of said displayed-table, ignoring correspondence with a record of said displayed-table,

(3) a process of setting a reference from a record chosen in said displayed-table to a record chosen in said column.

2.2 Explanation on exact translation

Exact translations express exactly same technical scopes of Japanese claims. Details of this situation are explained below.

2.2.1 Problem of the literal translation

If the literal translation (Appendix A) is used, it is hard to decide whether "said table" of (2) indicates "a table" in (1) or "a referred table" in (2).

However, there is no problem if phrases are arranged in Japanese style sequence. That is,

(2) "as a column and a part of said table", "that has been set a relation from said table", "a means of displaying a list of a record of a referred table", ignoring correspondence with a record of said table".

Clearly in Japanese claim, "said table" of (2) indicates "table" of (1).

2.2.2 Resolution

In order to avoid this ambiguity, a phrase "displayed-table" expressing "a table" in (1) is introduced in the translated claims, and is used in (2) and (3).

Thus, technical scopes of Japanese claims are exactly translated.

Appendix A. Literal translation

[Claim 1] (Amended)

An apparatus of operating a relational database, comprising,

(1) a means of displaying a table of said database, in a table style,

(2) a means of displaying a list of a record of a referred table that has been set a relation from said table, as a column and a part of said table, ignoring correspondence with a record of said table,

(3) a means of displaying a record of said column that is referred from a selected record of said table, as said selected record side by side, at the time of the selection.

[Claim 2] (Amended)

An apparatus of operating a relational database, comprising

(1) a means of displaying a table of said database, in a table style,

(2) a means of displaying a list of a record of a referred table that has been set a relation from said table, as a column and a part of said table, ignoring correspondence with a record of said table,

(3) a means of emphasizing a record of said column that is referred from a selected record of said table, at the time of the selection.

[Claim 3] (Amended)

An apparatus of operating a relational database, comprising the following means,

(1) a means of displaying a table of said database, in a table style,

(2) a means of displaying a list of a record of a table that has been referred from said table, as a column of said displayed table, ignoring correspondence with a record of said table

(3) a means of highlighting a record of said table that refers to a record chosen from said column.

[Claim 4] (Amended)

An apparatus of operating a relational database, comprising,

(1) a means of displaying a table of said database, in a table style,

(2) a means of displaying a list of a record of a referred table that has been set a relation from said table, as a column and a part of said table, ignoring correspondence with a record of said table,

(3) a means of setting a reference from a record chosen in said table to a record chosen in said column.

[Claim 5] (Added)

A method of operating a relational database, comprising,

(1) a process of displaying a table of said database, in a table style,

(2) a process of displaying a list of a record of a referred table that has been set a relation from said table, as a column and a part of said table, ignoring correspondence with a record of said table,

(3) a process of displaying a record of said column that is referred from a selected record of said table, as said selected record side by side, at the time of the selection.

[Claim 6] (Added)

A method of operating a relational database, comprising,

(1) a process of displaying a table of said database, in a table style,

(2) a process of displaying a list of a record of a referred table that has been set a relation from said table, as a column and a part of said table, ignoring correspondence with a record of said table,

(3) a process of emphasizing a record of said column that is referred from a selected record of said table, at the time of the selection.

[Claim 7] (Added)

A method of operating a relational database, comprising

(1) a process of displaying a table of said database, in a table style,

(2) a process of displaying a list of a record of a referred table that has been set a relation from said table, as a column

and a part of said table, ignoring correspondence with a record of said table,

(3) a process of emphasizing a record of said table that refers to a selected record of said column, at the time of the selection.

[Claim 8] (Added)

A method of operating a relational database, comprising the following processes,

(1) a process of displaying a table of said database, in a table style,

(2) a process of displaying a list of a record of a referred table that has been set a relation from said table, as a column and a part of said table, ignoring correspondence with a record of said table,

(3) a process of setting a reference from a record chosen in said table to a record chosen in said column.

Appendix B: English translation of claims that were originally submitted to PCT on 8.06.2008, and comments on claims at entering the U.S. national phase

Claims at the initial submission to PCT are described as program claims, which are treated as apparatus claims under the Japanese patent law. The followings are literal translation of them. At the entering the U.S. national phase, these claims are arranged into normal apparatus claims under the U.S. patent law.

[Claim 1]

A program of letting a computer, which operates a relational database, implement the following means,

(1) means for displaying a table,

(2) means for displaying (as a column of said table) a record of a table of a reference destination (where relation was set from said table)

(3) means for highlighting (when a record of said table was selected) a record of said column that said record refers to

[Claim 2]

A program according to claim 1, and of further letting a computer implement the following means;

(4) means for displaying a record chosen from said table and a record (of said column) that said record refers to, on same line or the neighborhood in this table.

[Claim 3]

A program according to claim 1, and of further letting a computer implement the following means;

(5) means for highlighting a record of said table that refers to a record chosen from said column.

[Claim 4]

A program according to claim 1, and of further letting a computer implement the following means;

(6) means for setting reference to a record of said column to a record chosen from said table.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/996,382	12/03/2010	Kunio Kamimura		7211

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EXAMINER
HERNDON, HEATHER R

ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
07/08/2011	ELECTRONIC

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

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

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

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www.uspto.gov

Kunio Kamimura
4-29-15 Higashi-cho
Koganei-shi 184-0-011 JP JAPAN

In re Application of: K. KAMIMURA
Application No. 12/996,382
Atty Docket #:
Filed: December 3, 2010
For: **PROGRAM FOR DISPLAYING AND OPERATING TABLE**

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

This is a decision on the request to participate in the PCT-Patent Prosecution Highway **(PCT-PPH)** pilot program and the petition under 37 CFR 1.102(a), filed May 30, 2011 to make the above- identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is
(a) a national stage entry of the corresponding PCT application

Or

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) *a* national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT

application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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PCT LEGAL ADMINISTRATION

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In re Application of: LIU et al
U.S. Application No: 12/996,418
PCT Application No.: PCT/CN2009/072122
International Filing Date: 04 June 2009
Priority Date: 06 June 2008
Attorney's Docket No.: 4C201-002US1
For: METHOD FOR SIMULATING BEND SHAPE OF CATHETER AND MAGNETIC INDUCTION CATHETER

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is in response to applicants' "PETITION UNDER 37 CFR § 1.182" filed 25 July 2011. Applicant has paid the required petition fee.

BACKGROUND

On 27 May 2011, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number of the present national stage application. The communication noted that the original national stage application submission on 06 December 2010 referenced two different international applications. Specifically, while the Form PTO-1390 Transmittal Letter filed by applicants identified the application as the U.S. national stage of international application number PCT/CN**2009**/07122, the information provided by applicants during the electronic filing process identified the application as the U.S. national stage of international application PCT/CN**2008**/072122 on the EFS Acknowledgment Receipt.

On 25 July 2011, applicant filed the petition under 37 CFR 1.182 considered herein.

DISCUSSION

The petition confirms that the correct international application number for the present national stage application is PCT/CN**2009**/072122 and that the entry of the incorrect international application number during the electronic filing process was the result of a typing error. It is noted that the correct international application number was listed in several places

within the materials filed 06 December 2010, including the Form PTO-1390 Transmittal Letter, the copy of the international application filed by applicant and the international search report also filed by applicant. The petition also includes payment of the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the inconsistency in the international application numbers listed in the materials filed herein on 06 December 2010. Accordingly, the national stage application materials filed herein on 06 December 2010, including the payment of the basic national fee, will be treated as the U.S. national stage of PCT/CN**2009**/072122. Such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of PCT/CN**2009**/072122, thereby avoiding abandonment of the international application with respect to the United States.

It is noted that an oath or declaration has not been filed by the applicants as required by 35 U.S.C. 371(c)(4).

CONCLUSION

For the reason given above, the petition 25 July 2011 filed under 37 CFR 1.182 is **GRANTED**.

The present application will be treated as the U.S. national stage under 35 U.S.C. 371 of PCT/CN**2009**/072122.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a "Notification of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

Gwendolyn Blackwell
Office of PCT Legal Administration
United States Patent and Trademark Office

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3288

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:	12/996,441	Filing date:	December 6, 2010
First Named Inventor:	David M. Uland		
Title of the Invention:	FOOD TRACKING SYSTEM WITH MOBILE PHONE UPLINK		

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/US2009/045804

The international filing date of the corresponding PCT application(s) is/are: June 1, 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.:	12/996,441
First Named Inventor:	David M. Uland

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 16, 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 16, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	All 36 claims as originally filed in the US application
through	through	correspond to the like numbered claims
36	36	deemed patentable in the corresponding
		PCT application

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

Signature /Thomas B. Ryan/	Date March 7, 2011
Name (Print/Typed) Thomas B. Ryan	Registration Number 31659

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.
12/996,441	12/06/2010	David M. Uland	90973.000075	7827

23387 7590 04/07/2011
Stephen B. Salai, Esq.
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

EXAMINER

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
04/07/2011	ELECTRONIC

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

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

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

bsalai@hselaw.com
coffen@hselaw.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

Stephen B. Salai, Esq.
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester NY 14604-2711

In re Application of	:	
ULAND, DAVID M.	:	DECISION ON REQUEST TO
Application No. 12/996,441	:	PARTICIPATE IN PATENT
Filed: December 06, 2010	:	PROSECUTION HIGHWAY
Att. Docket No. **90973.000075**	:	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 7, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

of all of the documents cited in the international work products of the PCT application (unless copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

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

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

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

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

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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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DINSMORE & SHOHL LLP
FIFTH THIRD CENTER, ONE SOUTH MAIN STREET
SUITE 1300
DAYTON OH 45402-2023

MAILED
JAN 28 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
DEWERCHIN et al.	:	
Application No.: 12/996,453	:	DECISION on
PCT No.: PCT/EP09/03865	:	
Int. Filing Date: 29 May 2009	:	PETITION
Priority Date: 02 June 2008	:	
Attorney Docket No.: GHE-0003 PA	:	UNDER 37 CFR 1.137(b)
For: METHODS AND COMPOSITIONS IN THE TREATMENT OF CORONA VIRUSES	:	

The petition to revive under 37 CFR 1.137(b) filed 06 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), is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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

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

Attorney Docket Number: 0074-P04625US01	Application Number (if known):	Filing date: 06/05/2009
First Named Inventor: Stuart Smedley		
Title: Gas Separation Process		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: None

Signature /Vincent T. Pace/	Date 12/06/2010
Name (Print/Typed) Vincent T. Pace	Registration Number 31,049

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

[X] *Total of 1 forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of	:	**Docket 0074-P04625US01**
	:	
Stuart Smedley et al.	:	
	:	
U.S. Appln. No. (not assigned yet)	:	
International Appln. No. PCT/NZ2009/000097	:	
	:	
International Filing Date 5 June 2009	:	
	:	
For: **Gas Separation Process**	:	

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

The Applicants' undersigned attorney hereby states that the invention described and claimed in the above-referenced patent application pertains to environmental quality. Special status is being sought because the invention materially enhances the quality of the environment by contributing to greenhouse gas emission reduction. The invention described and claimed in the application is directed to a process for separating carbon dioxide from a gas stream containing carbon dioxide. More specifically, the invention is directed to improving the efficiency of carbon dioxide capture processes that use alkaline earth metal oxides as the carbon dioxide sorbent. Accordingly, it is believed that the above-referenced application is eligible for accelerated examination under the Green Technology Pilot Program.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation
Attorneys for Applicant

By Vincent T. Pace
Vincent T. Pace
PTO Registration No. 31,049

Tel.: 215-563-4100
Fax: 215-563-4044
E-mail: vpace@ddhs.com

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.
12/996,501	03/11/2011	Stuart Smedley	0074-P04625US01	8223

110 7590 05/13/2011
DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

EXAMINER
BERNS, DANIEL J

ART UNIT	PAPER NUMBER
1734	

MAIL DATE	DELIVERY MODE
05/13/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

5/13/11

In re Application of	:	
Smedley et al.	:	DECISION ON PETITION
Application No. 12/996,501	:	TO MAKE SPECIAL UNDER
Filed: 12/6/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **0074-P04625US01**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/6/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1734 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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53666
BRAKE HUGHES BELLERMANN LLP
c/o CPA GLOBAL
P.O. Box 52050
Minneapolis, MN 55402

MAILED

JAN 27 2011

PCT LEGAL ADMINISTRATION

In re Application of
WISENOECKER *et al*
U.S. Application No.: 12/996,515
PCT No.: PCT/EP2009/050586
Int. Filing Date: 20 January 2009
Priority Date: 23 January 2008
Docket No.: 0051-087001/2008P00168US
For: METHOD FOR MAINTAINING CONTINUITY OF DIAMETER PROTOCOL-BASED ONLINE CHARGING

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 06 December 2010 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

PTO/SB/20PCT-NPI (06-11)
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 NORDIC PATENT INSTITUTE (NPI) AND THE USPTO

Application No:	12/996,583	Filing date:	02/10/2011
First Named Inventor:	Jan Kristians Vasshus		
Title of the Invention:	Mixing Apparatus And Method Of Using 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/NO2009/000219

The international filing date of the corresponding PCT application(s) is/are: 12 June 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 NPI AND THE USPTO

(continued)

Application No.:	12/996,583
First Named Inventor:	Jan Kristians Vasshus

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 6 December 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 6 December 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	sufficiently correspond
2	2	directly correspond
3	3	directly correspond
4	4	sufficiently correspond
5	5	directly correspond
6	6	sufficiently correspond
7	7	sufficiently correspond
8	8	sufficiently correspond
9	9	sufficiently correspond
10	10	sufficiently correspond
11	11	sufficiently correspond

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

Signature	Date 25 May 2012
Name (Print/Typed) Paul E. Rossler	Registration Number 60,409

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 P25617PC	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/NO2009/000219	International filing date *(day/month/year)* 12 June 2009 (12.06.2009)	Priority date *(day/month/year)* 20 June 2008 (20.06.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant CUBILITY AS		

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 21 December 2010 (21.12.2010)
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:

HÅMSØ PATENTBYRÅ ANS
P.O.Box 171
4302 Sandnes
NORWAY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)* 27/07/2009

Applicant's or agent's file reference
P25617PC

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/NO2009 000219	12/06/2009	20/06/2008

International Patent Classification (IPC) or both national classification and IPC
E21B21/06; B01F3/12; 5/12

Applicant
CUBILITY AS

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
Nordic Patent Institute Helgeshoj Allé 81, 2630 Taastrup, Denmark Facsimile No. +45 43 50 80 08	23 /07/2009	Thamir J. Al-Amiri Telephone No. +47 22 38 75 37

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/NO2009 000219

Box No. I **Basis of this opinion**

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

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

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

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

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

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/NO2009 000219

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

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations:

Reference is made to the following documents:
D1: US 2002125046 A1.
D2: US 2001011688 A1.
D3: WO 2008024847 A1.
D4: DE 4217373 A1.

The document D1 is regarded as being the closest prior art to the subject-matter of claims 1 and 10, and discloses (the references in parentheses applying to this document):

An apparatus for admixing an additive for a drilling fluid for use in the drilling of a petroleum well comprising a mixing chamber (the part between the conveying device 6, valve 14 and the pump 7 in figure 1 and 2) to which there are connected an inlet line for drilling fluid and at least one dosing device (control unit 1 with the drive 3) arranged to supply the additive from a container (5) to the mixing chamber, and a pumping device (7) arranged downstream of the mixing chamber.

The difference between the apparatus in claim 1 and 10 and the apparatus in D1, as well as the other apparatuses in D2-D4, is that there is a pressure tight barrier between the mixing chamber and the container, and that the pump is arranged to create an underpressure in the mixing chamber so that the drilling fluid and additive are sucked into and through the mixing chamber.

The subject matter of claims 1 and 10 are therefore novel in view of the document D1, and it does comply with the Article 32 (2) of the PCT .
Claims 2-9 and 11 depend upon claims 1 and 10, respectively. Therefore, all of the aforementioned claims meet the requirements of Article 33(2) of the PCT.

The problem to be solved by the invention according to claims 1 and 10 is to reduce both the required space on the board of drilling rigs due to the non-optimal positioning of the equipments in the prior arts,(where the storage container must be placed at a lower level than the mixer and that a supply container for drilling fluid to the centrifugal pump must be placed at a higher level than the centrifugal pump) and risk and damages due to plugging of flow lines.

(Continues in Supplemental Box)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/NO2009 000219

Supplemental Box

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

Box V, 2. Citations and Explanations

The cited prior art does not give any indication that would lead a person skilled in the art to claimed apparatus and method for admixing an additive for drilling fluid for use in the drilling of a petroleum well, where a pressure tight barrier between the mixing chamber and the container is created so that the drilling fluid and the additive are sucked into the mixing chamber due to the underpressure created in the mixing chamber.

Therefore, the claimed invention is not obvious to a person skilled in the art. Accordingly, the invention defined in the independent claims 1 and 10 is considered to involve an inventive step and meets the requirements of Article 33(3) of the PCT.

Claims 2-9 and 11 depend upon claims 1 and 10, respectively. Therefore, claims 2-9 and 11 meet the requirements of Article 33(3) of the PCT with respect to an inventive step.

The invention in claims 1-11 meets the criteria of industrial applicability in the sense of Article 33(4) of the PCT.

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MAR 15 2012
OFFICE OF PETITIONS

GABLE & GOTWALS
100 WEST FIFTH STREET, 10TH FLOOR
TULSA, OK 74103

In re Application of	: DECISION ON REQUEST TO
Jan Kristians Vasshus, et al.	: PARTICIPATE IN THE PATENT
Application No.: 12/996,583	: PROSECUTION HIGHWAY
Filed: 10 February 2010	: PROGRAM AND PETITION
Attorney Docket No.: 007831-00037	: TO MAKE SPECIAL UNDER
For: MIXING APPARATUS AND	: 37 CFR 1.102(a)
METHOD OF USING SAME	

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 26 January 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, IPAU, APO, RU, SPTO, PRV, SIPO or USPTO;

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

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

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof 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 Sherry D. Brinkley at 571-272-3204.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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JAN 25 2011

PCT LEGAL ADMINISTRATION

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

In re Application of EGRITEPE et al	:	
U.S. Application No.: 12/996,588	:	
PCT Application No.: PCT/EP2009/001748	:	
Int. Filing Date: 11 March 2009	:	DECISION
Priority Date Claimed: 06 June 2008	:	
Attorney Docket No.: SZY10733P00010US	:	
For: LINE LEADTHROUGH WITH SEQUENCE OF LAYERS	:	

This is in response to applicant's correspondence filed 14 December 2010, which is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 11 March 2009, applicant filed international application PCT/EP2009/001748, which claimed priority of an earlier European Patent Office application filed 06 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 10 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 06 December 2010.

On 06 December 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO. The EFS-Web submission identified the international application number as "PCT/US09/01748".

On 14 December 2010, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant mistakenly entered the incorrect international application number in the EFS-Web user interface. A review of the 06 December 2010 submission reveals that the correct international application number "PCT/EP2009/001748" was

present on at least on document. Accordingly, correction of the national stage application under 37 CFR 1.182 is permissible. The requisite $400.00 petition fee will be charged to Deposit Account No. 23-0785 as authorized in the petition. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for 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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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

MAILED
APR 01 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Daburger et al	:	
PCT No.: PCT/EP09/056997	:	
Application No.: 12/996,631	:	REQUEST UNDER
Int. Filing Date: 08 June 2009	:	
Priority Date: 12 June 2008	:	
Attorney's Docket No.: 2008PO2061WOUS	:	37 CFR 1.497
For: METHOD AND... VOLUMETRIC FLOW	:	

This is a decision on applicants' "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS" filed on 17 January 2011, which is being treated as a request under 37 CFR 1.497 requesting that Marijana Jerance Mitrovic was added during the international phase..

BACKGROUND

On 08 June 2009, applicants filed International Application No. PCT/EP2009/056997 claiming a priority date of 12 June 2010.

On 07 December 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee, and an executed declaration.

On 13 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 1.47(a) and (b), identifying the application by International application number and international filing date... Oath does not correspond with the inventors names listed on published International Application; please clarify" must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 17 January 2011, applicants filed the current response that indicated that Marijana Jerance Mitrovic was added in the international phase. The request included the "Notification of the Recording of a Change (PCT/IB/306)" communications from the International Bureau.

DISCUSSION

The "NOTIFICATION OF THE RECORDING OF A CHANGE" Form PCT/IB/306 mailed on 05 February 2010 indicates that applicant/inventor Marijana Jerance Mitrovic was added as an applicant for the United States of America only and inventor for all designated states.

Accordingly, the declaration is accepted because applicants have provided a showing that the applicant/inventor change was effected in accordance with PCT Rule 92*bis* prior to the filing of the present national stage application.

CONCLUSION

The petition under 37 CFR 1.497 is **MOOT.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, including the preparation and mailing of a Notification of Acceptance (Form PCT/DO/EO/903). The 35 USC 371 date of this application is **07 December 2010.**

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

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JAN 06 2011

PCT LEGAL ADMINISTRATION

KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

In re Application of: TALGHADER, et al.
U.S. Application No.: 12/996,704
PCT No.: PCT/US2009/003273
International Filing Date: 29 May 2009
Priority Date: 30 May 2008
Attorney's Docket No.: UMN0006/US
For: DETECTION BEYOND THE STANDARD RADIATION NOISE LIMIT USING SPECTRALLY SELECTIVE ABSORPTION

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 07 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2009/003273 became abandoned with respect to the United States at midnight on 30 November 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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BOEHRINGER INGELHEIM USA CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD CT 06877-0368

MAILED
SEP 07 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
KRUEGER et al.	:	DECISION ON
Application No.: 12/996,719	:	
PCT No.: PCT/EP2009/057059	:	PAPERS
Int. Filing Date: 08 June 2009	:	
Priority Date: 09 June 2008	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 01-2383	:	
For: NOVEL EMBEDMENT PARTICLES	:	
FOR INHALATION	:	

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 26 July 2011, which was accompanied by a declaration of inventors. The indication in this declaration that inventor Michael KRUEGER is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 08 June 2009, applicants filed international application PCT/EP2009/057059, which designated the U.S. and claimed a priority date of 09 June 2008. The thirty-month period for paying the basic national fee in the United States expires at midnight on 09 December 2010.

On 07 December 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 28 January 2011, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 26 July 2011, applicants filed a submission which included a declaration of inventors. The indication in the declaration that inventor Michael KRUEGER is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 26 July 2011 has been reviewed and has been found in compliance with 37 CFR 1.42. Under 37 CFR 1.42, the declaration must include the signature of the legal representative or the signature of all of the heirs (or if there is only one heir, the sole heir). The Joint Certificate of Inheritance filed with the submission of 26 July 2011 establishes that all of the heirs are listed on the declaration of inventors filed 26 July 2011. The declaration also includes the required signatures.

Declaration of Inventors

The declaration of inventors filed 26 July 2011 lists the third named inventor as Elke JAHR rather than Elke KLEEMANN as indicated on the published international application. However, a Form PCT/IB/306 for this inventor changing the last name from KLEEMANN to JAHR appears with the published international application on the WIPO website.

The declaration filed 26 July 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
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Office of Patent Cooperation Treaty
Legal Administration
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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

MAILED
MAR 16 2011
PCT LEGAL ADMINISTRATION

In re Application of KAWABATA et al	:	
U.S. Application No.: 12/996,728	:	
PCT Application No.: PCT/JP2009/060873	:	
Int. Filing Date: 15 June 2009	:	
Priority Date Claimed: 19 June 2008	:	DECISION
Attorney Docket No.: 8279.1547USWO	:	
For: PEPTIDE DERIVATIVE AND	:	
COMPOSITION FOR PROMOTING TEAR	:	
SECRETION COMPRISING THE SAME	:	

This is in response to the executed declaration filed 07 December 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 15 June 2009, applicant filed international application PCT/JP2009/060873, which claimed priority of an earlier Japan application filed 19 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 07 December 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and the instant request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed on 07 December 2010 indicates that joint inventor Kenzo Kawai 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 07 December 2010 is in compliance with 37 CFR 1.42 and 1.497.

Applicant is advised that the submission of a 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 the 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.

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 15 June 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 07 December 2010.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JAN 10 2011

PCT LEGAL ADMINISTRATION

Polster, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Dr. Suite 200
St. Louis MO 63131-3615

In re Application of	:	
JOHNSTON, et al.	:	DECISION ON PETITION
Application No.: 12/996,747	:	
PCT No.: PCT/US2008/063228	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 09 May 2008	:	
Priority Date: 10 May 2007	:	
Atty. Docket No.: DISN 9862W1	:	
For: NON-DETERMINISTIC STATISTICAL	:	
DATA GENERATOR	:	

The petition to revive under 37 CFR 1.137(b) filed 07 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply form the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GRANT ANDERSON, LLP
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS, MN 55402

MAILED

APR 10 2012

OFFICE OF PETITIONS

In re Application of
Nabil Aarach, et al.
Application No. 12/996,754
Filed: December 7, 2010
Attorney Docket No. VIV-1001-US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 29, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Bruce D. Grant on behalf of all attorneys of record who are associated with customer No. 69403. All attorneys/agents associated with the Customer Number 69403 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center

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

cc: MICHAEL MCCLELLAND
8077 CAMINO MONTEGO
CARLSBAD, CA 92009

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/996,754	04/28/2011	Nabil Arrach	VIV-1001-US

CONFIRMATION NO. 1950

POWER OF ATTORNEY NOTICE

OC000000053612971

69403
GRANT ANDERSON LLP
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Date Mailed: 04/09/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/29/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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MAILED

MAR 11 2011

PCT LEGAL ADMINISTRATION

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of	:	
TOVI, Avi, et al.	:	
Application No.: 12/996,770	:	DECISION
PCT No.: PCT/US2010/029054	:	
Int. Filing Date: 29 March 2010	:	ON REQUEST UNDER
Priority Date: 06 April 2009	:	
Att. Docket No.: 70186.0001USWO	:	37 CFR 1.497(d)
For: PRODUCTION OF PEPTIDES ...	:	
USING FMOC CHEMISTRY	:	

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 06 January 2011. It has been treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 07 December 2010, applicants filed the basic national fee for the above application, accompanied by a declaration of the inventors.

On 06 January 2011, applicants filed this request to add Hagi Alon as an inventor.

DISCUSSION

Applicants file this request to add Hagi Alon, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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United States Patent and Trademark Office
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67801
Martin D. Moynihan d/b/a PRTSI, INC.
P.O. Box 16446
Arlington, VA 22215

MAILED

MAY 31 2011

PCT LEGAL ADMINISTRATION

In re Application of
GOREN *et al*
U.S. Application No.: 12/996,775
PCT No.: PCT/IL2009/000574
Int. Filing Date: 09 June 2009
Priority Date: 09 June 2008
Attorney Docket No.: 49569
For: DEVICE FOR APPLYING HIGH-FREQUENCY VIBRATIONS TO HAIR FOR REMOVING SAME

DECISION

This decision is in response to the declaration filed with the national stage papers on 08 December 2010 which is treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 08 December 2010, applicants filed papers to enter the national stage of PCT/IL2009/000574 which was accompanied by, *inter alia*, an executed declaration.

On 23 December 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions available.

On 18 January 2011, applicants submitted a response to the Form PCT/DO/EO/905 noting that a declaration was previously submitted.

DISCUSSION

Applicants included a declaration signed by nine of the ten joint inventors and Alexander Melnikov as executrix (legal representative) of deceased inventor, Valentina MELNIKOV with the national stage papers on 08 December 2010.

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.

A review of the declaration provided shows that the citizenship, residence and address of the joint inventors are listed on the declaration pursuant to 37 CFR 1.497(a)(3). Moreover, the citizenship, residence and address of the legal representative for the deceased inventor is recorded on the declaration pursuant to 37 CFR 1.497(b)(2).

Accordingly, the declaration complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

The Form PCT/DO/EO/905 mailed 23 December 2011 was sent in error and is hereby **VACATED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 June 2009 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 08 December 2010.

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
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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:	12/996,852	Filing date:	December 8, 2010
First Named Inventor:	Koichi IKEGAMI		
Title of the Invention:	Carboxyl Resin, Hardening Composition Containing Carboxyl Resin, and Hardened Material Thereof		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/000748

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

I. List of Required Documents:

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

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

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

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

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

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

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

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

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

(continued)

Application No.:	12/996,852
First Named Inventor:	Koichi Ikegami

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
1-6, 10, 18-20	1-6, 10, 18-20	Direct correspondence.
7, 8, 11-17	7, 8, 11-17	Claims 7, 8, 11-17 of the PCT Application have been amended in the
		U.S. Application to remove multiple dependencies.
9	9	Claim 9 of the PCT Application has been amended in the U.S.
		Application for clarity.
21, 22		Claims 21 and 22 were added in the U.S. Application and correspond to
		the subject matter of the multiple dependencies in claim 15 of the PCT
		Application. Claim 15 of the PCT Application depends from one of claims
		11-13. Claim 15 in the U.S. Application was amended to depend from
		claim 11. Claim 21 incorporates the subject matter of claim 15,
		but depends from claim 12. Claim 22 incorporates the subject matter
		of claim 15, but depends from claim 13.

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

Signature /Sarah Lhymn/	Date January 20, 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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/996,852	12/08/2010	Koichi Ikegami	146905	1816

25944 7590 03/31/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
BERMAN, SUSAN W

ART UNIT	PAPER NUMBER
1765	

NOTIFICATION DATE	DELIVERY MODE
03/31/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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MAR 31 2011

CT

In re application of Koichi Ikegami et al Serial No. 12/996,852 Filed: December 8, 2010 For: CARBOXYL RESIN, HARDENING COMPOSITION CONTAINING CARBOXYL RESIN, AND HARDENED MATERIAL THEROF	: : : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

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

The request and petition are **GRANTED**.

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

(1) The U.S. application 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.

It is noted that applicant has requested participation in the PCT-PPH program between the EPO and the USPTO, however the ISA of PCT/JP2009/000748 is Japan rather than the EPO. Accordingly, the request for participation in the PCT-PPH program between the EPO and the USPTO has been treated as a request for participation in the PCT-PPH program between the JPO and the USPTO.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/996,859	12/08/2010	Yoshimasa Miura	10SS-010	1873

77464 7590 03/10/2011
IPUSA, P.L.L.C
1054 31ST STREET, N.W.
Suite 400
Washington, DC 20007

EXAMINER
GHERBI, SUZETTE JAIME J

ART UNIT	PAPER NUMBER
3738	

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):

IPUSA@IPUSAPAT.COM
uspa-weeks@ipusapat.com
ips@itohpat.co.jp

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IPUSA, P.L.L.C
1054 31ST STREET, N.W.
Suite 400
Washington DC 20007

In re Application of: MIURA, YOSHIMASA et al Serial No.: 12/996,859 Filed: Dec. 8, 2010 Docket: 10SS/010 Title: SKIN SUBSTITUTE MEMBRANE, MOLD, AND METHOD OF EVALUATING EXTERNAL PREPARATION FOR SKIN	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 Dec. 8, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must 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 Corrine McDermott, SPE of Art Unit 3738, and 571-272-4754 for Class 623/015 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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MAILED

MAY 06 2011

PCT LEGAL ADMINISTRATION

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of	:	
XIE, et al.	:	
U.S. Application No.: 12/996,887	:	DECISION ON PETITION
PCT No.: PCT/CN2008/001478	:	
Int. Filing Date: 15 August 2008	:	UNDER 37 CFR 1.47(a)
Priority Date: None	:	
Attorney Docket No.: 4280.97491	:	
For: A PEROXIDIC FLUOROPOLYETHER AND ITS USE IN EMULSION POLYMERIZATION OF FLUORIN-CONTAINING MONOMER	:	

This decision is in response to applicant's petition under 37 CFR 1.47 filed 30 March 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 August 2008, applicant filed international application PCT/CN2008/001478. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 15 February 2011.

On 08 December 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by among other items, payment of the requisite basic national fee

On 30 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 and an English translation of the international application as filed. 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 30 March 2011, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee. Applicant is advised that the mailing of the Form PCT/DO/EO/905 was premature as the time period for entering the U.S. National stage for this international application

did not expire until 15 February 2011. As such, the extension of time fee paid with the present petition will be refunded and the Form PCT/DO/EO/905 mailed 30 December 2010 is **VACATED**.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied all four items and it is therefore proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 15 August 2008 under 35 U.S.C. 363, and will be given a date of **30 March 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Xueduan Xie
Honghe Road No. 43
Zigong City, Sichuan Province
643000
People's Republic of China

In re Application of
XIE, et al.
U.S. Application No.: 12/996,887
PCT No.: PCT/CN2008/001478
Int. Filing Date: 15 August 2008
Priority Date: None
Attorney Docket No.: 4280.97491
For: A PEROXIDIC FLUOROPOLYETHER AND ITS USE IN EMULSION POLYMERIZATION OF FLUORIN-CONTAINING MONOMER

Dear Mr. Xie:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Counsel of Record:
Greer, Burns & Crain
300 S Wacker Dr
25th Floor
Chicago IL 60606
United States of America

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:	Not yet assigned	Filing date:	Herewith
First Named Inventor:	Barry Redmond		
Title of the Invention:	Device and Method for Measurement of Cycling Power Output		

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/EP2009/004095

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

- [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.:	Not yet assigned
First Named Inventor:	Barry Redmond

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
3 and 4	3 and 4	claims 3 and 4 of U.S. Application correspond to claims 3 and 4 of corresponding PCT Application

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

Signature Frank R. Occhiuti	Date 2010-12-08
Name (Print/Typed) Frank R. Occhiuti	Registration Number 35,306

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PURDYLUCEY
Attn. Lucey, Michael
Intellectual Property
Suites 138/139, The Capel Building
Mary's Abbey, Dublin 7
IRLANDE

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)* 08/10/2009
Applicant's or agent's file reference 10195WO	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/EP2009/004095	International filing date *(day/month/year)* 08/06/2009
Applicant BRIM BROTHERS LIMITED	

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 María Rodríguez Blanco

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 10195WO	**FOR FURTHER ACTION** see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/EP2009/004095	International filing date *(day/month/year)* 08/06/2009	(Earliest) Priority Date *(day/month/year)* 09/06/2008
Applicant BRIM BROTHERS LIMITED		

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**,
   [ ] the text is approved as submitted by the applicant
   [X] 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. 7
      [ ] as suggested by the applicant
      [ ] as selected by this Authority, because the applicant failed to suggest a figure
      [X] 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/EP2009/004095

Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

The invention provides a measurement device and method for measuring a cyclist's power output, in response to an external force provided by said cyclist applied to a bicycle, comprising a force sensor (13), characterised in that said force sensor is embedded in a bicycle cleat (11) bolted to the shoe (10). The invention further provides an accelerometer (14) for measuring a cyclist's power output. The inventive device and method provides a number of advantages over prior art solutions. The device of the invention means that the installation does not need any part of the bicycle to be replaced. The present invention does not restrict the type of components that may be used on the bicycle. Because the sensors are embedded in the cleat it is very simple to move the system to another bicycle. The invention also allows for detailed analysis of pedalling style, leading to improvements in efficiency.

INTERNATIONAL SEARCH REPORT

International application No
PCT/EP2009/004095

A. CLASSIFICATION OF SUBJECT MATTER
INV. G01L3/24 A61B5/22

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)
G01L A61B

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	US 2006/248965 A1 (WYATT ROLAND J [US] ET AL) 9 November 2006 (2006-11-09) the whole document	1,2,5-18
A	US 2004/225467 A1 (VOCK CURTIS A [US] ET AL) 11 November 2004 (2004-11-11) paragraphs [0203] - [0205]; figure 5	2,14
A	US 2007/245835 A1 (HAUSCHILDT GUNTER M [CA]) 25 October 2007 (2007-10-25) cited in the application paragraphs [0030] - [0035]; figures 5-11	8-12

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

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

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

Date of the actual completion of the international search	Date of mailing of the international search report
29 September 2009	08/10/2009
Name and mailing address of the ISA/ European Patent Office, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Authorized officer Prasse, Torsten

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/EP2009/004095

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2006248965 A1	09-11-2006	WO 2006121714 A2	16-11-2006
US 2004225467 A1	11-11-2004	NONE	
US 2007245835 A1	25-10-2007	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/EP2009/004095	08.06.2009	09.06.2008

International Patent Classification (IPC) or both national classification and IPC
INV. G01L3/24 A61B5/22

Applicant
BRIM BROTHERS LIMITED

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	Prasse, Torsten Telephone No. +31 70 340-618

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/004095

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	2-4, 6-12, 15, 16
	No:	Claims	1, 5, 13, 14, 17, 18
Inventive step (IS)	Yes:	Claims	3, 4
	No:	Claims	1, 2, 5-18
Industrial applicability (IA)	Yes:	Claims	1-18
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

1. Reference is made to the following document:

D1 : US 2006/248965 A1 (WYATT ROLAND J [US] ET AL) 9 November 2006 (2006-11-09)

D2: US 2004/225467 A1 (VOCK CURTIS A [US] ET AL) 11 November 2004 (2004-11-11)

D3: US 2007/245835 A1 (HAUSCHILDT GUNTER M [CA]) 25 October 2007 (2007-10-25)

INDEPENDENT CLAIM 1

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 1** is not new in the sense of Article 33(2) PCT in view of the document **D1.**

2.1 Document **D1** discloses (the references in parentheses applying to this document) a measurement device (pressure sensing device 100 in Fig. 1 and 2) for measuring a cyclist's (rider 415 in Fig. 6) power output ("power output measurement", p. 2, left-hand column, l. 20-21), in response to an
external force ("to maximize **force** transfer between a rider and a bicycle", p. 2, right-hand column, p. 1-2) provided by said cyclist (rider 415 in Fig. 6) applied to a bicycle (bicycle 400 in Fig. 6), comprising a force sensor (sensor plate 106 in Fig. 1, which is a "force sensing resistor", p. 2, right-hand column, l. 23-24), characterised in that said force sensor (sensor plate 106 in Fig. 1) is embedded in a bicycle cleat (sensor cover 152 in Fig. 3 and 4, which is a **cleat**, p. 3, right-hand column, l. 23-24, and that the sensor plate 106 is partially or wholly within the cleat/sensor cover 152, see as well the description of the application, p. 9, l. 11-12).

INDEPENDENT CLAIM 13

3. The present application does not meet the criteria of Article 33(1) PCT, because the

subject-matter of **claim 13** is not new in the sense of Article 33(2) PCT in view of **D1.**

3.1 Document **D1** discloses (the references in parentheses applying to this document) a measurement device (pressure sensing device 100 in Fig. 1 and 2) for measuring a cyclist's (rider 415 in Fig. 6) power output ("power output measurement", p. 2, left-hand column, l. 20-21), in response to an external force ("to maximize **force** transfer between a rider and a bicycle", p. 2, right-hand column, p. 1-2) provided by said cyclist (rider 415 in Fig. 6) applied to a bicycle (bicycle 400 in Fig. 6) pedal (pedals 435 in Fig.6), comprising an
accelerometer (sensor plate 106 in Fig. 1), said *accelerometer* (sensor plate 106 in Fig. 1) comprises means for **measuring** cadence ("the pressure measurements at the particular locations will exhibit a cyclic characteristic that is consistent with the **pedal cadence**", p. 4, left-hand column, l. 11-15) or crank position wherein the *accelerometer* (sensor plate 106 in Fig. 1) is mounted on the bicycle cleat (sensor cover 152 in Fig. 3 and 4, which is a **cleat**, p. 3, right-hand column, l. 23-24) or a shoe of said cyclist.

INDEPENDENT CLAIM 14

4. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 14** is not new in the sense of Article 33(2) PCT in view of the document **D1.**

4.1 Document **D1** discloses (the references in parentheses applying to this document) a method ("methods", p. 2, left-hand column, l. 20-21) of measuring a cyclist's (rider 415 in Fig. 6) power output ("power output measurement", p. 2, left-hand column, l. 20-21), in response to an external force ("to maximize **force** transfer between a rider and a bicycle", p. 2, right-hand column, p. 1-2)
provided by said cyclist (rider 415 in Fig. 6) applied to a bicycle (bicycle 400 in Fig. 6), comprising the step of using a force sensor (sensor plate 106 in Fig. 1, which is a "**force** sensing resistor", p. 2, right-hand column, l. 23-24) embedded in a bicycle cleat (sensor cover 152 in Fig. 3 and 4, which is a **cleat**, p. 3, right-hand column, l. 23-24, and that the sensor plate 106 is partially or wholly within the cleat/sensor cover 152) to measure the force applied ("to measure **applied pressure** between at least one of the rider's shoe and corresponding bicycle pedal", p. 2, left-hand column, l. 28-30).

INDEPENDENT CLAIM 16

5. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 16** is not inventive in the sense of Article 33(3) PCT in view of the document **D1**.

5.1 Document **D1** discloses (the references in parentheses applying to this document) a method, see point 4, above, and a computer ("microprocessor", p. 3, left-hand column, l. 23-26 and computing and display module 405 in Fig. 6).

5.2 In claim 16 a slight constructional change in the device for a method of measuring a cyclist's power output is defined which comes within the scope of the customary practice followed by persons skilled in the art when starting with **D1**, see "microprocessor", p. 3, left-hand column, l. 23-26 and computing and display module 405 in Fig. 6, which must comprising a computer program with program instructions for causing the microprocessor/computing and display module to perform the method.

INDEPENDENT CLAIM 17

6. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 17** is not new in the sense of Article 33(2) PCT in view of the document **D1.**

6.1 Document **D1** discloses (the references in parentheses applying to this document) a bicycle cleat (sensor cover 152 in Fig. 3 and 4, which is a **cleat**, p. 3, right-hand column, l. 23-24) comprising the measurement device (pressure sensing device 100 in Fig. 1 and 2, with a sensor plate 106 in Fig. 1 and **point 2, above**).

INDEPENDENT CLAIM 18

7. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 18** is not new in the sense of Article 33(2) PCT in view of the document **D1.**

7.1 Document **D1** discloses (the references in parentheses applying to this document) a measurement device (pressure sensing device 100 in Fig. 1 and 2) .

DEPENDENT CLAIMS 2, 5-12, 15

8. Dependent **claims 2, 5-12, 15** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step. The reasons are as follows:

8.1 In **claims 2 or 15** a slight constructional change in the measurement device or the method therefrom is defined which comes within the scope of the customary practice followed by persons skilled in the art when starting with the document **D1**, especially see **D2**, par. 0203-0205, a sensing unit 10" with an airtime sensors made by an accelerometer **on** the mountain bike 138 in Fig. 5. (A 33(3) PCT)

8.2 The additional feature of **claim 5** is known from **D1**, see D1, p. 2, right-hand column, l. 26-29, "amount of pressure or force applied upon the FSR". (A 33(2) PCT)

8.3 In **claims 6 or 7** a slight constructional change in the measurement device is defined which comes within the scope of the customary practice followed by persons skilled in the art when starting with **D1**. (A 33(3) PCT)

8.4 In **claims 8, 9, 10, 11 or 12** a slight constructional change in the measurement device is defined which comes within the scope of the customary practice followed by persons skilled in the art when starting with **D1**, see **D3**, having an equivalent measurement device as in D1, that shows the rotation cadence of the force (116) with the crank arm in Fig. 7, with the minima force (122, 124) and peak force (120) conditions, see as well the description, par. 41. (A 33(3) PCT)

9. **Claims 8-12** do not meet the requirements of **Article 6 PCT** in that the matter for which protection is sought is not clearly defined. With respect to the phrase: "*said* accelerometer", it is not clear which claim is referred to, e.g. a combination with the claims 3 and 1 is not possible.

10. **Claim 18** contain a reference to the description and/or the drawings. According to

Rule 6.2(a) PCT, claims should not contain such references except where absolutely necessary, which is not the case here.

11. According to the requirements of **Rule 5.1(a)(ii) PCT**, the relevant **background art** disclosed in the documents **D2** and **D3** should be mentioned in the description.

12. Independent claims are not in the **two-part form** in accordance with **Rule 6.3(b) PCT**, which in the present case would be appropriate, with those features known in combination from the prior art being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

13. The features of the claims are not provided with reference signs placed in parentheses **(Rule 6.2(b) PCT)**.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/996,903	12/08/2010	Barry Redmond	4B201-002US1	2259

69713 7590 02/09/2011
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER

ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
02/09/2011	ELECTRONIC

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OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of	**: DECISION ON REQUEST TO**
REDMOND et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/996,903	**: PROSECUTION HIGHWAY**
Filed: 08 December 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 4B201-002US1	**: TO MAKE SPECIAL UNDER**
For: DEVICE AND METHOD FOR MEASUREMENT OF CYCLING POWER OUTPUT	**: 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 08 December 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

Conditions (1-3), and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (4).

Regarding the requirement of condition (4), applicant has failed to ensure that **all** the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/996,921	12/08/2010	Hideyuki Takahashi	J-10-0528	2381

71799 7590 06/13/2011
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER

ART UNIT	PAPER NUMBER
2196	

NOTIFICATION DATE	DELIVERY MODE
06/13/2011	ELECTRONIC

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jackson.chen@necam.com
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Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of: H. TAKAHASHI
Application No. 12/996,921
Attorney Docket #: J-10-0528
Filed: December 8, 2010
For: VIRTUAL COMPUTER DEVICE, VIRTUAL COMPUTER SYSTEM, VIRTUAL COMPUTER PROGRAM, AND CONTROL 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 renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 17, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH 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

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NOV 16 2011

OFFICE OF PETITIONS

GREENLEE SULLIVAN P.C.
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301

Applicant: John A. Rogers, et al.
Appl. No.: 12/996,924
International Filing Date: June 16, 2009
Title: MEDIUM SCALE CARBON NAMOTUBE THIN FILM INTEGRATED CIRCUITS ON FLEXIBLE PLASTIC SUBSTRATES
Attorney Docket: 118-08
Pub. No.: US 20110147715 A1
Pub. Date: June 23, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), or alternative under 37 CFR 1.221(a), received on August 10, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in the assignee's and benefit claim data.

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

The errors noted by requestor in the assignee's and benefit claim data may be an Office mistake, but not material Office error under 37 CFR 1.221(b). The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130B.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

As to the request under 37 CFR 1.221(a):

The request is improper because applicant did not comply with the requirements of 37 CFR 1.221(a), which requires a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." The Office Electronic filing system requirements are set forth in the EFS –Web Legal Frame Work.

http://www.uspto.gov/patents/process/file/efs/guidance/New legal framework.jsp

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

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

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/996,949	01/25/2011	Yuichiro Shindo	OGOSH159USA	2673

270 7590 06/01/2011
HOWSON & HOWSON LLP
501 OFFICE CENTER DRIVE
SUITE 210
FORT WASHINGTON, PA 19034

EXAMINER

ART UNIT	PAPER NUMBER
1733	

NOTIFICATION DATE	DELIVERY MODE
06/01/2011	ELECTRONIC

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docketing@howsonandhowson.com

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EL

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
Shindo, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/996949	:	PROSECUTION HIGHWAY
Filed: December 08, 2010	:	PROGRAM AND
For: **HIGH PURITY COPPER AND**	:	PETITION TO MAKE SPECIAL
METHOD OF PRODUCING HIGH	:	UNDER 37 CFR 1.102(a)
PURITY COPPER BASED ON ELECTROLYSIS		

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 January 25, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

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

(6) Applicant must submit:

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

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

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

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

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

/ Emily M. Le/

Emily M. Le
Supervisory Patent Examiner,
Technology Center 1700

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APR 11 2011

PCT LEGAL ADMINISTRATION

JONATHAN D. FEUCHTWANG
2912 BRITTAN AVE
SAN CARLOS CA 94070

In re Application of	:	
ASSADOLLAHI, Ramin	:	
Application No.: 12/996,950	:	DECISION
PCT No.: PCT/EP2009/004194	:	
Int. Filing Date: 10 June 2009	:	ON PETITION UNDER
Priority Date: 11 June 2008	:	
Docket No.: Assadollahi-National Pha	:	37 CFR 1.137(b)
For: DEVICE AND METHOD	:	
INCORPORATING AN IMPROVED	:	
TEXT INPUT MECHANISM	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 03 February 2011 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The surcharge fee for furnishing the search fee, examination fee or oath or declaration after thirty months has not yet been paid.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

PTO/SB/20JP (02-12)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/996,977	First Named Inventor:	Noriko Tomita
Filing Date:	06/12/2009	Attorney Docket No.:	WINGR.P001
Title of the invention:	Oil-In-Oil Type Cosmetic Composition		

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

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application and the corresponding JP application(s) have the same priority/filing date. If JPO is not the office of first filing (OFF), identify the OFF and the OFF application no.

The JP application number(s) is/are: JP National Phase Application of PCT/JP 2009/002667 (JP 2010-516766) Claiming the priority of JP 2008-153819, (Now granted JP 4766720)

The filing date of the JP application(s) is/are: PCT/JP 2009/002667, filing date June 12, 2009; JP 2008-153819, filing date June 12, 2008. (now granted JP 4766720).

I. List of Required Documents:

a. **A copy of the latest JP office action prior to the "Decision to Grant a Patent" in the above-identified JP application(s) along with an English translation (if the office action is not in the English language)**

☑ is attached.

☐ is not attached because applicant hereby requests the USPTO to obtain the required office action and any required translation thereof via the Dossier Access System.

☐ is not attached because the JP application was allowed in a first office action.

Notes:

- It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.
- The English translation of the office action may be a machine translation.
- An accuracy statement for the English language translation of the office action is not required.

b. **(1) An information disclosure statement listing the documents cited in the JP office action**

☐ is attached.

☑ has already been filed in the above-identified U.S. application on December 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 _____.

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

PTO/SB/20EP (02-12)
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REQUEST FOR PARTICIPATION IN THE PPH PROGRAM BETWEEN JPO AND THE USPTO
(continued)

Application No.:	12/996,977	First Named Inventor:	Noriko Tomita

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JP Application	Explanation regarding the correspondence
9-10	1-2	Claim 9 and 10 are added, corresponding to Claim 1-2 of the JP 4766720
11-12	3	Claims 11-12 correspond to the multiple dependent Claim 3 of JP 4766720
13-16	4	Claims 13-16 correspond to the multiple dependent Claim 4 of JP 4766720.
17-24	5	Claims 17-24 correspond to the multiple dependent Claim 5 of JP 4766720.
1-8	none	cancelled

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JP application.

Signature	Date April 9, 2012
Name (Print/Typed) Jie Tan	Registration Number 58950

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,001	12/09/2010	Hans-Jurgen Forberg	7911-133US (FHP 1788 US)	3413

570 7590 04/21/2011
PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

ART UNIT	PAPER NUMBER
3679	

NOTIFICATION DATE	DELIVERY MODE
04/21/2011	ELECTRONIC

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

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

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

usptomail@panitchlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APR 2 0 2011

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

In re application of Forberg Hans-Jurgen Application No. 12/997,001 Filed: December 09, 2010 For: CONNECTOR FOR CONNECTING TO A STANDARDIZED LUER TAPER OR LUER-LOCK CONNECTION	: : : : : : :	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

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

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed March 14, 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: 04/19/11

PTO/SB/20PCT-KR (06-10)
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 KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12997038	Filing date:	2010-12-09
First Named Inventor:	William J. Kitchen		
Title of the Invention:	Suspended Cable Amusement Ride		

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/US10/24177

The international filing date of the corresponding PCT application(s) is/are: 2010-02-12

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 KIPO AND THE USPTO

(continued)

Application No.:	12997038
First Named Inventor:	William J. Kitchen

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
1-13	1-13	
14-25	2nd 13-end	These claims were incorrectly numbered in the PCT application.
		A preliminary amendment has been filed in the present application
		to correct the error.

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

Signature /Margaret Polson/	Date 2011-01-20
Name (Print/Typed) Margaret Polson	Registration Number 42082

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,038	02/21/2011	William J. Kitchen	00024.P-0003-500US	3702

85370 7590 04/08/2011
Oppedahl Patent Law Firm LLC (P&A)
P O Box 5940
Dillon, CO 80435-5940

EXAMINER

ART UNIT	PAPER NUMBER
3617	

NOTIFICATION DATE	DELIVERY MODE
04/08/2011	ELECTRONIC

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

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

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

docket-oppedahl@oppedahl.com
mail-log@oppedahl.com

UNITED STATES PATENT AND TRADEMARK OFFICE

APR - 7 2011

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Oppedahl Patent Law Firm LLC (P&A)
P O Box 5940
Dillon CO 80435-5940

In re application of William Kitchen Application No. 12/997,038 Filed: February 21, 2011 For: SUSPENDED CABLE AMUSEMENT RIDE	**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 25, 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 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: 04/06/11

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FEB 28 2012
OFFICE OF PETITIONS

NSIP LAW
PO BOX 34688
WASHINGTON DC 20043

In re Application of	:	DECISION
Choi, et al.	:	ON PETITION
Application No. 12/997,055	:	
Filed: December 9, 2010	:	
Attorney Docket Number: 2107.W006	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed December 9, 2010, for acceptance of color drawings for Figure 2.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

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

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings for Figure 2 are not necessary for an understanding of the invention.

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

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

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

The application is being forwarded to Group Art Unit 2857 for docketing and examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 65504-010US1	Application Number (if known): 12/997,063	Filing date: December 9, 2010
First Named Inventor: Sean Dennis Simpson		
Title: PRODUCTION OF BUTANEDIOL BY ANAEROBIC MICROBIAL FERMENTATION		

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 December 22, 2010
Name (Print/Typed) Faustino A. Lichauco	Registration Number 41,942

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

X *Total of 1 forms are submitted.

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

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

Attorney Docket No.: 65504-010US1
Client Ref. No.: SHR 507887USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean Dennis Simpson et al.	Art Unit	: Not yet Assigned
Serial No.	: 12/997,063	Examiner	: Not yet Assigned
Filed	: December 9, 2010	Conf. No.	: 3836
Title	: PRODUCTION OF BUTANEDIOL BY ANAEROBIC MICROBIAL FERMENTATION		

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

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Applicant requests that this application be made special pursuant to the Pilot Program for Green Technologies as set forth in the Federal Register.[1]

The invention is believed to be eligible for the Pilot Program because of its material contribution to the development of renewable energy resources and the reduction of greenhouse gas emissions, specifically the generation of fuel alcohols from carbon monoxide (CO) via a fermentation process and the reduction of greenhouse gases produced during the fermentation processes.

In broad terms, the invention relates to the use of a gas fermentation process and system to capture carbon and produce useful products such as fuel alcohols, diols and more complex chemicals. More specifically, a carbon monoxide-containing gas that is obtained as a waste product of an industrial process, preferably a steel making process is used as a substrate in an anaerobic fermentation to produce 2,3-butanediol. As well as a biofuel, 2,3-butanediol has utility in the production of a number of compounds used as base molecules for the production of a vast range of industrially produced chemicals.

The methods claimed are intended to reduce the total atmospheric carbon emissions from an industrial process. This is achieved by the various claimed methods by capturing carbon from waste gas streams, such as those emitted from steel mills. The waste gas streams from steel mills are often flared off (burnt) to produce significant

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., 75 Fed. Reg. 98 (May 21, 2010), and 75 Fed. Reg. 217, page 69049 (Nov. 10, 2010).

quantities of carbon dioxide – a greenhouse gas. It will be appreciated that such industrial plants contribute significantly to greenhouse gas emissions and the methods described herein enable the carbon to be captured to generate a vast range of useful products. This reduces the emission of the greenhouse gases and limits the damaging effects that they have on the environment.

Also provided by the invention are methods to optimize the uptake of carbon monoxide and therefore maximize the efficiency of the reaction (and henceforth the carbon captured).

Accordingly, the subject matter of this application plays a material role in the development of renewable energy resources and the reduction of greenhouse gas emissions. Applicant therefore requests that the examination be accelerated under the Pilot Program.

Pursuant to the requirements of the Pilot Program, please apply the $300 publication fee to Deposit Account no. 50-4189, referencing attorney docket no. 65504-009US1.

Respectfully submitted,

Date: December 22, 2010

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2533
Facsimile: (617) 500-2499

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,063	03/07/2011	Sean Dennis Simpson	65504-010US1	3836

69713 7590 04/11/2011
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER

ART UNIT	PAPER NUMBER
1621	

NOTIFICATION DATE	DELIVERY MODE
04/11/2011	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):

INFO@ORTPATENT.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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APR 1 1 2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of	:	
SIMPSON, Sean *et al.*	:	DECISION ON PETITION
Application No. 12/997063	:	TO MAKE SPECIAL UNDER
Filed: March 7, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 65504-010US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 22, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1621 for action on the merits commensurate with this decision.

/Manjunath Rao/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ALEXANDRIA VA 22314-1176

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PCT LEGAL ADMINISTRATION

In re Application of
MEIER, Jorgen
Application No.: 12/997,065
PCT No.: PCT/EP2009/004225
Filing Date: 12 June 2009
Priority Date: 12 June 2008
ATTY Docket No.: MEIE3001/FJD
For: METHOD FOR STABILIZING A PISTON RING AND MEANS FOR CARRYING OUT SAID METHOD AND USE OF SAME

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This decision is in response to applicant's PETITION UNDER 37 C.F.R. 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 11 April 2011.

BACKGROUND

On 12 June 2009, applicant filed international application, PCT/EP2009/004225, which claimed priority of an earlier German application filed 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 13 December 2010.

On 14 December 2010, international application PCT/EP2009/004225 became abandoned as to the United States for failure to timely pay the basic national fee.

On 11 April 2011, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer in the application was filed before 08 June 1995.

Application No.: 12/997,065

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

Regarding item (2), applicant has provided the required petition fee.

Regarding item (3), the Examiner interprets the statement "that the entire delay in filing the required fee was unintentional" to read "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 construed, applicant has provided the required statement.

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

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

The application has an International Filing Date under 35 U.S.C. 363 of 12 June 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 April 2011.

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

Shane Thomas
PCT Legal Detailee
Office of PCT Legal Administration
Tel: (571) 272-6095

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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COMMISSIONER FOR PATENTS
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101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

MAILED

JAN 11 2011

PCT LEGAL ADMINISTRATION

In re Application of MARSALY et al	:	
U.S. Application No.: 12/997,068	:	
PCT Application No.: PCT/FR2009/000669	:	
Int. Filing Date: 08 June 2009	:	
Priority Date Claimed: 13 June 2008	:	DECISION
Attorney Docket No.: 033339/399471	:	
For: RUN-FLAT DEVICE FOR A MOTOR VEHICLE, MOUNTED ASSEMBLY INCORPORATING SAME, AND MANUFACTURING AND ASSEMBLY METHOD FOR SAME	:	

This is in response to applicant's petition under 37 CFR 1.182 filed 10 December 2010.

BACKGROUND

On 08 June 2009, applicant filed international application PCT/FR2009/000669, which claimed priority of an earlier France application filed 13 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 17 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 13 December 2010.

On 09 December 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 10 December 2010, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that that applicant entered the incorrect international application number in the EFS-Web user interface when submitting the national stage papers on 09 December 2010. A review of the application file reveals that the correct international application number PCT/FR2009/000669 was present on at least one paper (see preliminary amendment) contained in the 09 December 2010 submission. Accordingly, correction of the application is permissible. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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CHARLOTTE, NC 28280-4000

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OFFICE OF PETITIONS

Applicant(s): MARSALY, et al.
Appl. No.: 12/997,068
International Filing Date: June 8, 2009
Title: RUN-FLAT DEVICE FOR A MOTOR VEHICLE, MOUNTED ASSEMBLY INCORPORATING SAME, AND MANUFACTURING AND ASSEMBLY METHOD FOR SAME
Attorney Docket No.: 033339/399471
Pub. No.: US 2011/0162774 A1
Pub. Date: July 7, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on July 28, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the first page of the publication wherein the wrong abstract was printed.

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 publishing the wrong abstract from the two abstracts provided by applicant may be an Office error, however, it is not a material error in accordance with 37 CFR 1.221(b). Specifically, the error 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

[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).

to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. MPEP 1130 B.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application 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

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:	12/997,072	Filing date:	February 22, 2011
First Named Inventor:	Charlotte DYRING		
Title of the Invention:	IMPROVED PROTEIN EXPRESSION 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/EP2009/057278

The international filing 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).**

- [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 EPO AND THE USPTO

(continued)

Application No.:	12/997,072
First Named Inventor:	Charlotte DYRING

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 June 9, 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 June 9, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 to 38	1 to 38	Novelty: claims 1-8 deemed novel relating to a hybrid promoter comprising
		SEQ ID NO: 37 and SEQ ID NOS: 3-6, 33 and 36.
		Inventive step: claims 1-38 deemed inventive.
		(also see attached IPER)

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

Signature /Nicholas A. Zachariades/	Date August 26, 2011
Name (Print/Typed) Nicholas A. Zachariades	Registration Number 56,712

29 JULI 2010

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Inspicos A/S
Kogle Allé 2
P.O. Box 45
2970 Hørsholm
DANEMARK

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing *(day/month/year)*	27.07.2010
Applicant's or agent's file reference 17395PCT00	**IMPORTANT NOTIFICATION**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2009/057278	12.06.2009	12.06.2008

Applicant
Affitech A/S

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 inventions 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 international preliminary examining authority:	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	Papiol Rovira, M Tel. +49 89 2399-7199

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 17395PCT00	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/EP2009/057278	International filing date *(day/month/year)* 12.06.2009	Priority date *(day/month/year)* 12.06.2008
International Patent Classification (IPC) or national classification and IPC INV. C12N15/09		
Applicant Affitech A/S		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *sent to the applicant and to the International Bureau)* a total of 6 sheets, as follows:
      ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3*bis* of Annex C of the Administrative Instructions).

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

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

Date of submission of the demand	Date of completion of this report
2010-06-24	27.07.2010
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	Authorized officer Hillenbrand, Guenter Telephone No. +49 89 2399-8428

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2009/057278

Box No. I Basis of the report

1. With regard to the **language**, this report is based on

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

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
   - ☐ international search (under Rules 12.3(a) and 23.1(b))
   - ☐ publication of the international application (under Rule 12.4(a))
   - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-73 as originally filed

Claims, Numbers

1-38 filed with the letter of 24-06-2010

Drawings, Sheets

1-9 as originally filed

☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:
   - ☐ the description, pages
   - ☐ the claims, Nos.
   - ☐ the drawings, sheets/figs
   - ☐ the sequence listing *(specify)*:
   - ☐ any table(s) related to sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
   - ☐ the description, pages
   - ☐ the claims, Nos.
   - ☐ the drawings, sheets/figs
   - ☐ the sequence listing *(specify)*:

5. ☒ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2 (e)).

6. ☐ Supplementary international search report(s) from Authority(ies) have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-38
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-38
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-38
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

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

1 **Novelty (Article 33.2 PCT)**

Having regard to the prior art cited in the International Search Report the subject-matter of claims 1-38, insofar as it relates to a **hybrid promoter** composed of SEQ ID NO: 37 (derived from the HSP70 promoter) and SEQ ID NO: 3-6, 33 and 36 (derived from the Actin 5C promoter), appears to be novel.

2 **Inventive step (Article 33.3 PCT)**

The applicant has shown that the use of said **hybrid promoter** in comparison to commercially available promoters results in significantly increased expression levels in insect cells. Thus, inventive activity involved with the claimed matter can be accepted.

Re Item VIII

Certain observations on the international application

The expression "**chimeric**" as used in claim 1 and the present wording of claim 1 is not sufficient to exclude a promoter comprising SEQ ID NO: 37 and SEQ ID NO: 1 and/or 2 (comprising only different regions derived from the HSP70 promoter). Thus, in order to comply with Article 6 PCT (clarity), the applicant is requested to include the expression "hybrid" into claim 1 and to delete the reference to **SEQ ID NO: 1 and 2** (promoter sequences derived from the HSP70 promoter) from all relevant claims.

CLAIMS

1. An isolated DNA polynucleotide suitable for heterologous expression of a polypeptide of interest in an insect cell, said DNA polynucleotide comprising

(a) a promoter DNA polynucleotide comprising a chimeric sequence comprising two or more sequences selected from the following group

(i) a nucleotide sequence of SEQ ID NO: 1, SEQ ID NO: 2; SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:33, SEQ ID NO:36, or SEQ ID NO:37;

(i) a sequence with a sequence identity of at least 80% to any one sequence of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:33, SEQ ID NO:36, or SEQ ID NO:37;

(iii) a functional fragment of at least 80 contiguous nucleotides of any one sequence of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:33, SEQ ID NO:36, or SEQ ID NO:37;

(iv) a sequence with a sequence identity of at least 80% to a functional fragment of at least 80 contiguous nucleotides of any one sequence of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:33, SEQ ID NO:36, or SEQ ID NO:37.

wherein the chimeric sequence comprises SEQ ID NO:37; a sequence with a sequence identity of at least 80% to SEQ ID NO:37 and with promoter activity in a Drosophila S2 cell; a functional fragment of at least 80 contiguous nucleotides of SEQ ID NO:37 and with promoter activity in a Drosophila S2 cell; or a sequence with a sequence identity of at least 80% to a functional fragment of at least 80 contiguous nucleotides of SEQ ID NO:37 and with promoter activity in a Drosophila S2 cell.

2. The isolated DNA polynucleotide according to claim 1, wherein said promoter DNA polynucleotide comprises a sequence selected from the group consisting of:

a nucleotide sequence of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:33, SEQ ID NO:36, SEQ ID NO:37, or SEQ ID NO: 68 with or without flanking restriction site sequences at either terminus.

3. The isolated DNA polynucleotide according to claim 1, wherein said promoter DNA polynucleotide comprises a functional nucleotide sequence with a sequence identity of at least 80% to any one sequence of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:33, SEQ ID NO:36, SEQ ID NO:37, or SEQ ID NO: 68 said functional nucleotide sequence having promoter activity in a Drosophila S2 cell.

4. The isolated DNA polynucleotide according to any one of claims 1-3, wherein said promoter DNA polynucleotide comprises a nucleotide which is functional fragment of at least 80 contiguous nucleotides of any one sequence of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:33, SEQ ID NO:36, SEQ ID NO:37, or SEQ ID NO: 68, said functional fragment having promoter activity in a Drosophila S2 cell.

5. The isolated DNA polynucleotide according to any one of claims 1-4, wherein said promoter DNA polynucleotide comprises a functional nucleotide sequence with a sequence identity of at least 80% to said functional fragment of at least 80 contiguous nucleotides of any one sequence of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:33, SEQ ID NO:36, SEQ ID NO:37, or SEQ ID NO: 68 said functional nucleotide sequence having promoter activity in a Drosophila S2 cell.

6. The isolated DNA polynucleotide according to any one of claims 1-5, wherein said promoter DNA polynucleotide comprises a chimeric nucleotide sequence comprising two or more sequences selected from

(i) a nucleotide sequence of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:33, SEQ ID NO:36, or SEQ ID NO:37;
(ii) a functional nucleotide sequence with a sequence identity of at least 80% to any one sequence of (i) and having promoter activity in a Drosophila S2 cell;
(iii) a nucleotide which is a functional fragment of at least 80 contiguous nucleotides of any one sequence of (i) or (ii), said functional fragment having promoter activity in a Drosophila S2 cell; and
(iv) a functional nucleotide sequence with a sequence identity of at least 80% to said functional fragment of (iii) and having promoter activity in a Drosophila S2 cell.

7. The isolated DNA polynucleotide according to any one of claims 1-6, wherein said promoter DNA polynucleotide comprises a chimeric nucleotide sequence having promoter activity in a Drosophila S2 cell, comprising at least 80 nucleotides and including consecutive nucleotide stretches from at least 2 nucleotide sequences of (iii) and/or (iv) as defined in claim 6, where each of said consecutive stretches alone does not have promoter activity in a Drosophila S2 cell.

8. The isolated DNA polynucleotide according to any one of claims 1-6, which comprises SEQ ID NO: 68.

9. The isolated DNA polynucleotide according to any one of claims 1-8, wherein said promoter DNA polynucleotide exhibits an increased protein expression level as compared to the protein expression level of any one of the promoter DNA polynucleotides having the sequence of SEQ ID NO:1 or SEQ ID NO:4.

10. The isolated DNA polynucleotide according to claim 9, wherein the increase in protein expression level is from about 50 percent to about 300 percent relative to the protein expression level of any one of the promoter DNA polynucleotides having the sequence of SEQ ID NO:1 or SEQ ID NO:4.

11. The isolated DNA polynucleotide according to claim 9, wherein the increase in protein expression level is 2 fold to 10 fold relative to the protein expression level of any one of the promoter DNA polynucleotides having the sequence of SEQ ID NO:1 or SEQ ID NO:4, or to the pOPIE2 promoter.

12. The isolated DNA polynucleotide according to any one of claims 1-11, which further comprises a selection marker, such as a selection marker selected from the group consisting of a Zeocin selection marker, a Neomycin selection marker, a Hygromycin selection marker, a Puromycin selection marker, and a Blasticidin selection marker.

13. The isolated DNA polynucleotide according to claim 12, which further comprises a bacterial promoter, such as the pKANR bacterial promoter.

14. The isolated DNA polynucleotide according to any one of claims 12 or 13, which further comprises a second promoter DNA polynucleotide suitable to drive the expression of the selection marker in an insect cell.

15. The isolated DNA polynucleotide according to claim 14, wherein said second promoter is selected from the group consisting of

(i) a nucleotide sequence of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:33, SEQ ID NO:36, SEQ ID NO:37, or a nucleotide sequence comprising residues 7-586 of SEQ ID NO: 68;
(ii) a functional nucleotide sequence with a sequence identity of at least 80% to any one sequence of (i) and having promoter activity in a Drosophila S2 cell;

(iii) a nucleotide which is a functional fragment of at least 80 contiguous nucleotides of any one sequence of (i) or (ii), said functional fragment having promoter activity in a Drosophila S2 cell;
(iv) a functional nucleotide sequence with a sequence identity of at least 80% to said functional fragment of (iii) and having promoter activity in a Drosophila S2 cell;
(v) a first chimeric nucleotide sequence comprising two or more sequences of any one sequence of (i), (ii), (iii) and (iv), and
(vi) a second chimeric nucleotide sequence having promoter activity in a Drosophila S2 cell, comprising at least 80 nucleotides and including consecutive nucleotide stretches from at least 2 nucleotide sequences of (iii) and/or (iv), where each of said consecutive stretches alone does not have promoter activity in a Drosophila S2 cell.

16. The isolated DNA polynucleotide according to any one of claims 1-15, which further comprises at least one ubiquitous chromatin opening element upstream and/or downstream relative to a multiple cloning site.

17. The isolated DNA polynucleotide according to any one of claims 1-16, which further comprises at least one Transcriptional insulator element, such as the Gypsy (gsu(Hw)) insulator sequence.

18. The isolated DNA polynucleotide according to any one of claims 1-17, which further comprises a dihydrofolate reductase (dhfr) coding sequence suitable for selection in insect cells.

19. The isolated DNA polynucleotide according to any one of claims 1-18, which further comprises at least one polyadenylation signal sequence such as SV40 polyA signal and/or an OPIE2 polyA signal.

20. The isolated DNA polynucleotide according to any one of claims 1-19, which further comprises an *E.coli* origin of replication.

21. The isolated DNA polynucleotide according to any one of claims 1-22, which further comprises at least one protein export signal polynucleotide sequence, such as one selected from the list consisting of BIP and CPY.

22. The isolated DNA polynucleotide according to any one of claims 1-21, which is essentially free of viral DNA.

23. The isolated DNA polynucleotide according to any one of claims 1-22, which further comprises at least one HIS-tag sequence.

24. The isolated DNA polynucleotide according to any one of claims 1-23, which further comprises a multiple cloning site downstream of said promoter DNA polynucleotide for insertion of the gene encoding a polypeptide of interest into said isolated DNA polynucleotide.

25. The isolated DNA polynucleotide according to any one of claims 1-24, which further comprises at least one 72bp elements from SV40.

26. The isolated DNA polynucleotide according to any one of claims 1-25, which further comprises at least one amplification control element.

27. The isolated DNA polynucleotide according to any one of claims 1-26, which further comprises at least one Ori-beta element.

28. The isolated DNA polynucleotide according to any one of claims 1-27, which further comprises at least one matrix attachment region (MAR) element.

29. The isolated DNA polynucleotide according to any one of claims 1-28, which further comprises at least one PRE element from Hepatitis B virus, such as a PRE element from Hepatitis B virus according to SEQ ID NO:40, such as nucleotides 10 to 574 of SEQ ID NO:40.

30. The isolated DNA polynucleotide according to any one of claims 1-29, wherein the promoter DNA polynucleotide sequence controls the expression of a gene or other DNA sequence to which it is linked.

31. The isolated DNA polynucleotide according to any one of claims 1-30, which further comprises at least one nucleotide sequence which is a functional fragment of at least three contiguous nucleotides of any one sequence of a nucleotide sequence of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:33, SEQ ID NO:36, SEQ ID NO:37, or SEQ ID NO: 68; and a functional nucleotide sequence with a sequence identity of at least 80% thereof, said functional fragment having promoter enhancer activity in a Drosophila S2 cell.

32. The isolated DNA polynucleotide according to any one of claims 1-31, which further comprises at least one intron, such as the intron shown in SEQ ID NO: 60 including or

excluding the flanking restriction sites, downstream of the promoter DNA polynucleotide sequence and upstream of a multiple cloning site.

33. The isolated DNA polynucleotide according to any one of the preceding claims, which is adapted for ligation independent cloning (LIC).

34. The isolated DNA polynucleotide according to any one of claims 1-32, which further comprises at least one polynucleotide sequence encoding a polypeptide heterologous to said promoter DNA polynucleotide sequence.

35. A cell comprising the isolated DNA polynucleotide according to any one of claims 1-34.

36. The cell according to claim 35, which is an insect cell, such as *Drosophila melanogaster.*

37. The cell according to claims 35 or 36, which is stably transfected with said isolated DNA polynucleotide.

38. A method for the production of a polypeptide of interest encoded by a polynucleotide the method comprising the steps of

(a) obtaining a polynucleotide sequence encoding the polypeptide of interest;
(b) inserting said polynucleotide sequence encoding the polypeptide of interest into the isolated DNA polynucleotide according to any one of claims 1-33;
(c) transforming a host cell with the polynucleotide obtained under step (b);
(d) allowing for the expression of said polynucleotide obtained under step (b) to produce the polypeptide; and
(e) obtaining the polypeptide there from.

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Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

MAILED
OCT 07 2011
PCT LEGAL ADMINISTRATION

In re Application of:
PRINDERRE et al.
Application No.: 12/997,092
PCT No.: PCT/IB2009/005889
Int. Filing Date: 08 June 2009
Priority Date: None
Attorney Docket No.: 8674-000085/US/NP
For: PROCESS FOR MAKING GASTRORETENTIVE DOSAGE FORMS

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This decision is issued in response to applicant's "Petition to Correct Inventorship under 37 CFR 1.497(d)" dated 19 April 2011.

The petition under 37 CFR 1.497(d) to add Christophe Sauzet under 37 CFR 1.497(d) is GRANTED.

Applicant requests to add Christophe Sauzet as an inventor 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) 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(i); 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's submission satisfies the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added inventor. The processing fee set in forth in 37 CFR §1.17 has been submitted. Applicant's submission included the consent of the assignee to the requested correction of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Based on this correction, the declaration filed on 07 March 2011 (which named Pascal Prinderre and Christophe Sauzet) is acceptable under 37 CFR 1.497.

Application No.: 12/997,092

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 07 March 2011.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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PCT LEGAL ADMINISTRATION

Caterpillar Inc./LIELL & MCNEIL
Intellectual Property Department
AH9510
100 N.E. Adams
Peoria IL 61629-9510

In re Application of: DE ALMEIDA, et al.
U.S. Application No.: 12/997,164
PCT No.: PCT/EP2009/004004
International Filing Date: 04 June 2009
Priority Date: 12 June 2008
Attorney's Docket No.: 08-001.1
For: EXHAUST GAS MIXING SYSTEM

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition for revival under 37 CFR 1.137(b) filed 01 December 2011 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 20 March 2011 due to applicants' failure to submit a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed on 20 January 2011. The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/909) issued on 10 November 2011.

The present petition was accompanied by the petition fee and the "required reply" in the form of a proper response to the Notification Of Missing Requirements, that is, a declaration in compliance with 37 CFR 1.497 executed by co-inventor Robert C. WILKIE (applicants had previously submitted declarations executed by the other four inventors of record) and the surcharge for filing the declaration later than thirty months after the priority date. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

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

/RichardMRoss/

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

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OFFICE OF PETITIONS

CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE FL 33301

In re Application of : DECISION ON REQUEST TO
Richard STONE et al. : PARTICIPATE IN PPH PROGRAM
Application No. 12/997,189 : AND PETITION TO MAKE SPECIAL
Filed: February 2, 2011 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 1476-5PUS (01204P0536US02
For: HIGH FIBER SUPPORT INTRINSIC
WARP-TIED COMPOSITE FORMING FABRIC

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 19, 2011 to make the above-identified application special.

The petition is **GRANTED**.

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

(1) the U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO (Canadian Intellectual Property Office);

(2) applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s);

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

(5) applicant must submit a copy of all the office actions from each of the CIPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) applicant must submit an IDS listing the documents cited by the CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

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

This application will be forwarded to Technology Center Art Unit 1741 for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Buccq
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of	:	
Villo Morawala Patell, et al.	:	
Application No. 12/997,215	:	DECISION ON PETITION
Filed: December 9, 2010	:	TO WITHDRAW
Attorney Docket No. 20049.0009USWO	:	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 September 28, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the statement under 3.73(b) is not proper or no statement under 3.73(b) was filed.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The power of attorney filed on October 1, 2008 does not include one of the above two options.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

cc: AVESTHAGEN LIMITED
9TH FLOOR
'DISCOVERER' INTERNATIONAL TECH PARK,
WHITEFIELD ROAD
BANGALORE 560066 INDIA

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HAMRE, SCHUMANN, MUELLER & LARSON, PC
PO BOX 2902
MINNEAPOLIS, MN 55402-0902

In re Application of	:	
Villo Morawala Patel, et al.	:	
Application No. 12/997,215	:	DECISION ON PETITION
Filed: December 9, 2010	:	TO WITHDRAW
Attorney Docket No. 20049.0009USWO	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 28, 2011.

The request is **NOT APPROVED**.

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

A review of the file record indicates that Hamre, Schumann, Mueller, & Larson, PC does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

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

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

cc: AVESTHAGEN LIMITED
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The Law Office of Michael E. Kondoudis
888 16th Street, NW
Suite 800
Washington DC 20006

MAILED
SEP 16 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
LI *et al*	:	
Application No.: 12/997,216	:	
PCT No.: PCT/JP2009/004618	:	
Int. Filing Date: 15 September 2009	:	DECISION
Priority Date: 30 September 2008	:	
Atty. Docket No.: 0300.0012	:	
For: LOCKING RECEPTACLE	:	

This is a decision on applicants' "PETITION UNDER 37 CFR 1.182..." filed in the U.S. Patent and Trademark Office (USPTO) on 15 June 2011.

BACKGROUND

On 09 December 2010, applicants filed application papers for entry into the national stage in the United States via the USPTO's EFSWeb system. The submission was accompanied by, *inter alia*,: a transmittal letter and an application data sheet.

On 31 May 2011, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF INSUFFICIENT BASIC NATIONAL FEE (Form PCT/DO/EO/912).

In a subsequent telephone conversation with DO/EO/US employees, applicants' were allegedly informed that the application contained conflicting indications regarding the international application to which the submission was directed and that the application would not undergo further national stage processing until the issue was resolved.

On 15 June 2011, applicants filed the present petition which requests that the application be accepted as the national stage filing for international application No. PCT/JP2009/004618. The petition also includes a request for a refund of the petition fee.

DISCUSSION

A review of the application file and USPTO records reveals that when filing the present application, applicants included conflicting indications regarding the international application to which the submission was directed. Specifically, when filling out the information on the EFSWeb system, applicants indicated that the submission was intended to be the national stage filing of international application No. PCT/IL2009/004618, as is evidenced by the EFS Acknowledgement Receipt. At the same time, applicants indicated on the transmittal letter and the application data sheet that the submission was intended to be the national stage filing of international application No. PCT/JP2009/004618.

In view of the fact that applicants submitted conflicting indications upon initial filing of the present national stage submission, the requiring of a correction and clarification by petition is warranted, and on petition, including the payment of the requisite fee, the application may now be accepted for further processing as the national stage filing of international application No. PCT/JP2009/004618.

Regarding applicants' request for refund of the petition fee, applicants argue that the fee should not be required in view of the fact that the correct international application number was on multiple papers included with the submission and the incorrect number is only found in the EFS Acknowledgement Receipt. Applicant argues that the EFS Acknowledgement Receipt "is the legal equivalent of a postcard" and as such should not be relied upon for the issue of which international application the submission is to be directed.

Applicants' arguments have not been found to be persuasive. Specifically, as with a postcard, an EFS Acknowledgement Receipt can be relied upon as evidence of what papers were included with a given submission. It also constitutes evidence of what indications were made by applicants in the EFSWeb system. As such, based on the notation on the EFS Acknowledgement Receipt, it is clear that applicants indicated that the present application was intended to be the national stage application of international application No. PCT/IL2009/004618. Therefore, since the presence of conflicting indications was solely due to applicants' error, the requiring of a petition fee to correct the error is proper.

Finally, a review of the application file reveals that the NOTICE OF INSUFFICIENT BASIC NATIONAL FEE mailed 31 May 2011, was issued in error.

CONCLUSION

For the reasons above, the petition is **GRANTED.**

Also for the reasons above, the request for refund of the petition fee is **REFUSED**.

Also for the reasons above, the NOTICE OF INSUFFICIENT BASIC NATIONAL FEE is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing as the national stage filing under 35 U.S.C. 371 of international application No. PCT/JP2009/004618 in accordance with this decision.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

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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.
12/997,224	12/09/2010	Dong Chang Choi	3570-135	4911

6449 7590 08/16/2011
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
1722	

NOTIFICATION DATE	DELIVERY MODE
08/16/2011	ELECTRONIC

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

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

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

PTO-PAT-Email@rfem.com

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AUG 16 2011

CST

In re application of	:	DECISION ON REQUEST TO
Dong Chang Choi et al	:	PARTICIPATE IN PATENT
Serial No. 12/997,224	:	PROSECUTION HIGHWAY
Filed: December 9, 2010	:	PROGRAM AND
For: PHOTOSENSITIVE RESIN	:	PETITION TO MAKE SPECIAL
COMPOSITION FOR BLACK MATRIX	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed July 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 KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s) 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 KIPO application(s); and
   b. Submit a claims correspondence table in English;

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

(5) Applicant must submit:

a. 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 KIPO 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 KIPO application is a first action allowance then no office action from the KIPO 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 KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

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

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

Any inquiry regarding this decision should be directed to 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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JUL 11 2011

PCT LEGAL ADMINISTRATION

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WASHINGTON DC 20005

In re Application of	:	
NAGAI, Masaru, et al.	:	
Application No.: 12/997,250	:	
PCT No.: PCT/JP2009/063359	:	DECISION
Int. Filing Date: 27 July 2009	:	
Priority Date: 28 July 2008	:	ON PETITION UNDER
Docket No.: FEC-333NP	:	
For: COLOR CONVERSION FILM USING POLYMERIC DYE, AND MULTICOLOR LIGHT-EMITTING ORGANIC EL DEVICE USING SAME	:	37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 03 May 2011.

BACKGROUND

On 03 January 2011, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required.

On 03 May 2011, applicants filed this petition under 37 CFR 1.47(a), accompanied by the fee for a two 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), (3) and (4) have been satisfied. The petition fee has been paid. Applicant states the last known address of the non-signing inventor. The declaration is executed by the signing inventor on behalf on the non-signing inventor.

Item (2) has not been satisfied. Mr. Kawate states that applicants believe Mr. Li has returned to China. Applicants have not detailed an attempt to locate a current address for the inventor in China and to serve that address. Copies of internet searches and appropriate followup would be helpful.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available.

Any 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
www.uspto.gov

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

MAILED
DEC 09 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
NAGAI, Masaru, et al.	:	
Application No.: 12/997,250	:	
PCT No.: PCT/JP2009/063359	:	DECISION
Int. Filing Date: 27 July 2009	:	
Priority Date: 28 July 2008	:	ON PETITION UNDER
Docket No.: FEC-333NP	:	
For: COLOR CONVERSION FILM USING POLYMERIC DYE, AND MULTICOLOR LIGHT-EMITTING ORGANIC EL DEVICE USING SAME	:	37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 07 October 2011.

BACKGROUND

On 11 July 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 07 October 2011, applicants filed this petition under 37 CFR 1.47(a), accompanied by the fee for a one 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), (3) and (4) have been satisfied. The petition fee has been paid. Applicant states the last known address of the non-signing inventor. The declaration is executed by the signing inventor on behalf on the non-signing inventor.

Item (2) has now been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **03 May 2011**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Chong Li
Tsukamashinryo 1407,
Tsukama 4-13-13
Matsumoto City, Nagano 390-0821
Japan

MAILED
DEC 09 2011
PCT LEGAL ADMINISTRATION

In re Application of
NAGAI, Masaru, et al.
Application No.: 12/997,250
PCT No.: PCT/JP2009/063359
Int. Filing Date: 27 July 2009
Priority Date: 28 July 2008
Docket No.: FEC-333NP
For: COLOR CONVERSION FILM USING POLYMERIC DYE, AND MULTICOLOR LIGHT-EMITTING ORGANIC EL DEVICE USING SAME

Dear Mr. Li:

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

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

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:	12/997,254	Filing date:	2010-12-10
First Named Inventor:	John Michael Beals		
Title of the Invention:	PEGYLATED INSULIN LISPRO COMPOUNDS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/046704

The international filing date of the corresponding PCT application(s) is/are: 2009/06/09

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.:	12/997,254
First Named Inventor:	John Michael Beals

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 2010/12/10

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

- [x] Are attached.
- [x] Have already been filed in the above-identified U.S. application on 2010/12/10

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	same
2	2	same
3	3	amended to remove multiple dependencies
4	4	amended to remove multiple dependencies
9	9	amended to remove multiple dependencies
10	10	same
11	11	same
12	12	amended to remove multiple dependencies
13	13	amended to remove multiple dependencies
14	14	amended to remove multiple dependencies
15	15	same
16	16	same
17	17	same
19	19	amended to remove multiple dependencies
20	20	amended to remove multiple dependencies
44	21	amended to remove multiple dependencies

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

Signature /Paula K. Davis/	Date 2011/07/08
Name (Print/Typed) Paula K. Davis	Registration Number 47517

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
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,254	12/10/2010	John Michael Beals	X18199A	5372

25885 7590 10/05/2011
ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS, IN 46206-6288

EXAMINER
STEELE, AMBER D

ART UNIT	PAPER NUMBER
1654	

NOTIFICATION DATE	DELIVERY MODE
10/05/2011	ELECTRONIC

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

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

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

patents@lilly.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ELI LILY & COMPANY
PATENT DIVISION
P.O. Box 6288
INDIANAPOLIS, IN 46206-6288

In re Application of	:	DECISION ON REQUEST TO
John Michael Beals et al	:	PARTICIPATE IN PATENT
Application No. 12/997,254	:	PROSECUTION HIGHWAY
Filed: December 10, 2010	:	PROGRAM AND PETITION
Attorney Docket No. X18199A	:	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 July 8, 2011, to make the above-identified application special.

The request and petition are GRANT**ED**.

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 met all the requirements and accordingly the petition is Granted.

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 J Tsang
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 09 2011
OFFICE OF PETITIONS

PATENT LAW OFFICES OF DR. NORMAN B. THOT
POSTFACH 10 17 56
RATINGEN 40837 DE GERMANY

APPLICANT(S): URBAN, et al.
Appl. No.: 12/997,267
International Filing Date: June 11, 2009
Title: INSTALLATION SYSTEM FOR PV MODULES
Attorney Docket No.: SCHL 1001 US-PAT
Pub. No.: US 2011/0174353 A1
Pub. Date: July 12, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on July 26, 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 since the Office published the translated application and the original claims and not the substitute specification and the new claims.

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

The errors noted by requestor with respect to entry of the preliminary amendments are not Office error. The patent application publication does not include a mistake regarding the failure to include preliminary amendments to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

[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).

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.12(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under § 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under 35, United States Code, whichever is later.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

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

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/

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,321	12/10/2010	Hajime Zembutsu	J-10-0535	5722

71799 7590 06/09/2011
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER
HWANG, JOON H

ART UNIT	PAPER NUMBER
2447	

NOTIFICATION DATE	DELIVERY MODE
06/09/2011	ELECTRONIC

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Jackson Chen
6535 N. State HWY 161
Irving TX 75039

In re Application of: Zembutsu
Application No. 12/997321
Filed: August 7, 2008
For: Communication System, Server Apparatus, Information Communication 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 17, 2010, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is
   (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
   (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
   (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

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

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

(3) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.

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

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

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

(7) The required petition fee under 37 CFR 1.17(h) if filed before May 25, 2010.

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

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-3612.

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

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

/Tod Swann/

Tod Swann
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 11 2011

PCT LEGAL ADMINISTRATION

LADAS & PARRY LLP
1040 Avenue of the Americas
NEW YORK NY 10018-3738

In re Application of
PFEILER, Alexander, et al.
Application No.: 12/997,340
PCT No.: PCT/EP2009/056813
Int. Filing Date: 03 June 2009
Priority Date: 13 June 2008
Attorney's Docket No.: U018233-1/JAB
For: ESCALATOR OR MOVING WALKWAY WITH LED ILLUMINATION

DECISION

This decision is in response to applicants' "Replacement Declaration," filed in the United States Patent and Trademark Office on 05 January 2011. It has been treated as a statement under MPEP 1893.01(e).

BACKGROUND

On 10 December 2010, applicants filed the basic national fee in the above application. A declaration under PCT 4.17 was furnished during the international phase.

On 05 January 2011, applicants filed a declaration of Cornelia Lawall, listing only her, but accompanied by a statement indicating that her name had been misspelled in the Rule 4.17 declaration.

DISCUSSION

The new declaration is not acceptable as it fails to state the correct inventive entity. However, a new declaration was not required. Applicants have stated that the inventor's name is "Cornelia Lawall" and the declaration contained a typographical error. The PCT Rule 4.17 declaration complies with 37 CFR 1.497(a)-(b). MPEP 1893.01(e).

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,341	01/10/2011	Masayuki Takamori	OGOSH160USA	5840

270 7590 08/26/2011
HOWSON & HOWSON LLP
501 OFFICE CENTER DRIVE
SUITE 210
FORT WASHINGTON, PA 19034

EXAMINER

ART UNIT	PAPER NUMBER
1785	

NOTIFICATION DATE	DELIVERY MODE
08/26/2011	ELECTRONIC

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

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

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

docketing@howsonandhowson.com

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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8/26/11

BC

In re application of	:	DECISION ON REQUEST TO
Masayuki Takamori	:	PARTICIPATE IN PATENT
Serial No. 12/997,341	:	PROSECUTION HIGHWAY
Filed: December 10, 2010	:	PROGRAM AND
Attorney Docket No.: OGOSH160USA	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed January 10, 2011.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

(6) Applicant must submit:

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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:	12/997347	Filing date:	December 10, 2010
First Named Inventor:	Martin Raymond Green		
Title of the Invention:	Method of avoiding space charge saturation effects in an ion trap		

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/GB2009/001434

The international date of the corresponding PCT application(s) is/are: 8 June 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.:	
First Named Inventor:	Martin Raymond Green

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
2	2	Same except claim dependencies and "and/or" replaced by "or"
3	3	Same except claim dependencies and "and/or" replaced by "or"
4	4	Same except claim dependencies and "and/or" replaced by "or"
5	5	Same except claim dependencies
6	6	Same
7	7	Same except claim dependencies and "and/or" replaced by "or"
8	8	Same except claim dependencies and "and/or" replaced by "or"
9	9	Same except claim dependencies
10	10	Same except "and/or" replaced by "or"
11	11	Same except "and/or" replaced by "or"
12	12	Same except "and/or" replaced by "or"
13	13	Same except claim dependencies and "and/or" replaced by "or"
18	14	Same except claim dependencies
25	1	Same except "and/or" replaced by "or"
28	15	Same except "and/or" replaced by "or"

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

Signature /Jamie H. Rose/	Date April 7, 2011
Name (Print/Typed) Jamie H. Rose	Registration Number 45054

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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PCT LEGAL ADMINISTRATION

MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA PA 19103-2921

In re Application of: STEIN, Jason, et al.
U.S. Application No.: 12/997,374
PCT No.: PCT/US2009/003521
International Filing Date: 10 June 2009
Priority Date: 12 June 2008
Attorney's Docket No.: 100606-5006-US
For: POVIDONE IODINE, A NOVEL ALTERNATIVE PRESERVATIVE FOR OPHTHALMIC COMPOSITIONS

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Submission Under 37 C.F.R. § 1.497(d)" filed by applicants on 21 September 2011. Applicants have paid the required $130 processing fee.

BACKGROUND

On 10 June 2009, applicants filed international application PCT/US2009/003521. The application claimed a priority date of 12 June 2008 and designated the United States. The deadline for submission of the basic national fee was 12 December 2010. The published international application identified five applicant/inventors for the United States.

On 10 December 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, the basic national fee.

On 20 January 2011, 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 20 June 2011, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and a declaration executed by the five inventors of record as well as an additional inventor, Mark ABELSON.

On 24 August 2011, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration was not acceptable based on the inclusion of the additional inventor.

On 21 September 2011, applicants filed the request under 37 CFR 1.497(d) considered herein. The request seeks to add Mark Abelson as an additional inventor of record.

DISCUSSION

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

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

The declaration filed on 20 June 2011 names an inventive entity different than that set forth in the international application (specifically, Mark ABELSON has been added as an inventor). Applicants must therefore satisfy 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statement of non-deceptive intent from the person to be added as an inventor, as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted the consent of the assignee to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied. Based on the above, applicants have satisfied all the requirements for a grantable request under 37 CFR 1.497(d).

CONCLUSION

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

The inventorship of record herein is corrected to add Mark ABELSON as an additional inventor of record. In view of the correction of inventorship, the declaration filed on 20 June 2011 is acceptable in compliance with 37 CFR 1.497(a) and (b).

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 20 June 2011.

/RichardMRoss/

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

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3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

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FEB 08 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Evans	:	
Application No. 12/997,381	:	
PCT No.: PCT/GB2009/001119	:	PETITION UNDER
Int. Filing Date: 06 May 2009	:	
Priority Date: 06 May 2008	:	
Attorney's Docket No.: FWH-164-A:	:	
For: Liquid Irrigation System	:	37 CFR 1.137 (b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)," filed on 10 December 2010.

BACKGROUND

On 06 May 2009, 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 13 January 2009.

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 10 December 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), and executed declaration.

On 04 January 2011, the United States Patent and Trademark Office prematurely mailed the Notification of Acceptance (PCT/DO/EO/903) since the application was abandoned.

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 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) - (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. **The Notification of Acceptance prematurely mailed on 04 January 2011 remains in effect as it has the correct information.**

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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Avery Dennison Corporation
Amanda Wittine
8080 Norton Parkway
22-D
Mentor, OH 44060

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DEC 02 2011
PCT LEGAL ADMINISTRATION

In re Application of:
HUYNH, Dieu Dai
Application No.: 12/997,392
PCT No.: PCT/US2009/046829
Int. Filing Date: 10 June 2009
Priority Date: 12 June 2008
Attorney's Docket No.: 4142-US
For: WATER DETECTING LABEL

DECISION

This decision is issued in response to applicant's "Petition under 37 CFR 1.182" filed 02 November 2011. The petition seeks to correct the bibliographic data for the national stage application papers filed 10 December 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/US2009/046829.

BACKGROUND

On 22 April 2011, applicant was mailed a communication detailing the discrepancy between international application numbers on the electronic acknowledgement receipt and other filing papers such as the application data sheet and preliminary amendment.

On 02 November 2011, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/US2009/046829. An examination of the originally filed papers finds that the correct international application number was listed on the application data sheet filed 10 December 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 10 December 2010 and to permit such materials to be treated as having been directed to international application PCT/US2009/046829.

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/US2009/046829.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Anthony Smith
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3298

United States Patent and Trademark Office

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FEB 14 2011

PCT LEGAL ADMINISTRATION

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of Fansler et al. Application No.: 12/997,396 PCT No.: PCT/US2008/050966 Int. Filing Date: 14 January 2008 Priority Date: N/A Attorney Docket No.: 62759US002 For: Multifunction Oxidation Catalysts And Methods Of Making	DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed on 10 December 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 authorized fees to be charged to Deposit Account 13-3723. The petition fee is being so charged. 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

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:	12/997396	Filing date:	14-Jan-2008
First Named Inventor:	FANSLER		
Title of the Invention:	Gold Carbon Monoxide Oxidation Catalyst with Etched Substrate		

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: US2008/050966

The international date of the corresponding PCT application(s) is/are: 14-Jan-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).**

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

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

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

- [ ] Is attached
- [x] Has already been filed in the above-identified U.S. application on 2-10-2011 (see attached remarks)

(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 2-10-2011 (see attached remarks)

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.:	12/997396
First Named Inventor:	FANSLER

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same
4	4	Same
5	5	Same
6	6	Same
7	7	Same
8	8	Same
9	9	Same
10	10	Same
11	11	Same
12	12	Same
13	13	Same
14	14	Same

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

Signature /Kenneth B. Wood/	Date March 18, 2011
Name (Print/Typed) Kenneth B. Wood	Registration Number 58,737

32692
Customer Number

Patent
Case No.: 62759US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Fansler, Duane D		
Application No.:	12/997396	Confirmation No.:	6204
Filed:	14-JAN-2008		
Title:	GOLD CARBON MONOXIDE OXIDATION CATALYST WITH ETCHED SUBSTRATE		

REMARKS ACCOMPANYING THE REQUEST FOR PARTICIPATION IN THE PCT-PPH PROGRAM

Claims 15-20, which were not found to be novel or inventive in the International Preliminary Report on Patentability (IPRP) and which raised certain objections found in Box VIII of the IPRP, have been canceled by Preliminary Amendment, thus leaving pending claims 1-14 which correspond to claims 1-14 that were found novel and inventive in the IPRP and which were not subject to objections under Box VIII of the IPRP.

References D1-D6 which were cited in the IPRP are items B8, B10, B5, B9, C4 and A6, respectively, on the Information Disclosure Statement (Form 1499) submitted 10-Feb-2011.

Respectfully submitted,

3/18/2011
Date

By: /Kenneth B. Wood/
Kenneth B. Wood, Reg. No.: 58,737
Telephone No.: 651-733-1792

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

COPY OF ALL CLAIMS WHICH WERE INDICATED AS HAVING NOVELTY, INVENTIVE STEP AND INDUSTRIAL APPLICABILITY IN THE CORRESPONDING PCT APPLICATION

1. A method of making a catalyst, comprising the steps of:

providing a plurality of nanoparticles,

wherein at least some of the nanoparticles comprise at least zinc-oxo domains and titanium-oxo domains;

etching the nanoparticles with an acidic etchant so as to remove at least a portion of the zinc-oxo domains from at least some of the nanoparticles; and,

depositing gold clusters of dimensions of about 0.5 nm to about 50 nm onto the etched nanoparticles.

2. The method of claim 1, wherein the etching process preferentially removes zinc-oxo material in comparison to titanium-oxo material.

3. The method of claim 2, wherein the etchant comprises nitric acid.

4. The method of claim 1, further comprising the step of drying the etched nanoparticles.

5. The method of claim 1, wherein the gold clusters are deposited via physical vapor deposition.

6. The method of claim 1, wherein the nanoparticles comprise crystalline anatase titania nanoparticles having zinc-oxo domains on their surfaces and having a TiO_2 content of about 81% and a specific surface area of about 250 m^2/g.

7. The method of claim 1, further comprising the step of depositing the etched nanoparticles on a host material so as to form a catalyst system comprising a guest/host structure.

8. The method of claim 7, further comprising the step of incorporating the catalyst system with at least one activating agent.

9. The method of claim 7, further comprising the step of incorporating the catalyst system with at least one filtering agent.

10. The method of claim 7, wherein the host material comprises activated carbon.

11. The method of claim 1 wherein the etched nanoparticles have a mean particle size in the range of about 3 nm to about 15 nm.

12. The method of claim 1 wherein the etched nanoparticles comprise nanoporosity.

13. The method of claim 1 wherein the etched nanoparticles are present as aggregates having a mean particle size in the range of about 0.1 μm to about 3 μm.

14. The method of claim 13 wherein the aggregates comprise nanoporosity.

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 83014 PCT	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/US2008/050966	International filing date *(day/month/year)* 14.01.2008	Priority date *(day/month/year)*
International Patent Classification (IPC) or national classification and IPC INV. B01J23/52		
Applicant 3M Innovative Properties Company		

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 6 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, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3*bis* of Annex C of the Administrative Instructions).

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

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

Date of submission of the demand	Date of completion of this report
2009-11-16	28.04.2010
Name and mailing address of the international preliminary examining authority: European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	Authorized officer Veefkind, Victor Telephone No. +31 70 340-1017

Box No. I Basis of the report

1. With regard to the **language**, this report is based on

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

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
   - ☐ international search (under Rules 12.3(a) and 23.1(b))
   - ☐ publication of the international application (under Rule 12.4(a))
   - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

   Description, Pages

   1-25 as originally filed

   Claims, Numbers

   1-20 filed with the letter of 16-11-2009

   Drawings, Sheets

   1/3-3/3 as originally filed

   ☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:
   - ☐ the description, pages
   - ☐ the claims, Nos.
   - ☐ the drawings, sheets/figs
   - ☐ the sequence listing *(specify)*:
   - ☐ any table(s) related to sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
   - ☐ the description, pages
   - ☐ the claims, Nos.
   - ☐ the drawings, sheets/figs
   - ☐ the sequence listing *(specify)*:

5. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2 (e)).

6. ☐ Supplementary international search report(s) from Authority(ies) have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-14
	No:	Claims	15-20
Inventive step (IS)	Yes:	Claims	1-14
	No:	Claims	15-20
Industrial applicability (IA)	Yes:	Claims	1-20
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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 2005/115612 A (MINTEK [ZA]; ROBERTS STEPHEN JOHN [ZA]; STEINBACH GABRIELE HILDEGARD [) 8 December 2005 (2005-12-08)

D2: WO 2007/007075 A (UNIV CARDIFF [GB]; SOLSONA ESPRIU BENJAMIN EDUARD [ES]; EDWARDS JENIFE) 18 January 2007 (2007-01-18)

D3: DATABASE WPI Week 200511 Thomson Scientific, London, GB; AN 2005-097931 XP002497800 & RU 2 243 033 C1 (AS SIBE CATALYSIS INST) 27 December 2004 (2004-12-27)

D4: WO 2006/074126 A (3M INNOVATIVE PROPERTIES CO [US]) 13 July 2006 (2006-07-13)

D5: MA ET AL: "Au/MxOy/TiO2 catalysts for CO oxidation: Promotional effect of main-group, transition, and rare-earth metal oxide additives" JOURNAL OF MOLECULAR CATALYSIS. A, CHEMICAL, ELSEVIER, AMSTERDAM, NL, vol. 273, no. 1-2, 29 June 2007 (2007-06-29), pages 186-197, XP022135169 ISSN: 1381-1169

D6: US-A-5 624 667 (MARUO MASATSUYO [JP] ET AL) 29 April 1997 (1997-04-29) cited in the application

1. Document D1 discloses CO oxidation catalysts comprising gold nanoparticles ([0009], supported on mixed oxide ([0008]) zinc oxide /titanium oxide particles (claim 4, [0011]). The titania : zinc oxide ratio can be 100:1 (see claim 4). Preferably the gold is deposited by precipitation from an acidic tetrachloroauric acid solution initially having a pH of 1-3, but later adjusted to 2-8.5 before contacting with the mixed oxide. Such a solution with pH = 2 is specifically disclosed (end-point of range) and is an acidic etchant which will implicitly remove at least a (small) portion of the zinc-oxo domains from at least some of the particles), see [0024]. However, it is a second selection, after selecting zirconia from the list in claim 3. The combination of these two selections is not specifically disclosed in D1 and thus new. The etching has an effect (see example and comparative example in the application, and can be seen as giving rise to an inventive step over D1.

Although it is likely, it is unknown if the primary particle size of the mixed oxide is in the "nano" range, but in the absence of examples showing a surprising effect, "nano-size" is regarded as an obvious choice that the skilled person would make when having to choose an alternative oxide particle size.

Thus, the independent claims 1 gives rise to an inventive step over document D1 (Art. 33(3) PCT).

The same argumentation is valid for dependent claims 2-14.

2. Independent product claim 15 relates to a product defined by a process of preparation. Reference is made to PCT Guideline A.5.26[1], stating that the patentability of a product doesn't depend on its method of production.

It is recognised that the comparative example of the present application shows that etching the oxide may have some effect on the catalyst properties, and thus implicitly also on the catalyst itself.

However, the claim relates to catalysts comprising certain steps, and doesn't specify the treatment conditions. It is not clear how further treatment steps could undo any effects of the etching. Thus, the examples in the application are not sufficient to establish an inherent effect over all ranges of treatment. As a result, they are ignored and only the pure product features are taken into account. These are: plurality of nanoparticles, titanium-oxo domains (since under the scope of the claim all zinc could have been removed by etching, this is not a feature) and gold clusters of 0.5 to 50 nm.

2.1 Document D2 discloses titania supports, which are acid treated (etched), after which gold is deposited on them to produce H_2 oxidation catalysts (see passages cited in the Search Report). The etching improves the H2 oxidation ability. The titania used in D2 (P25) is very well known and possesses a primary particle size of about 20 nm.

On page 3, lines 1-3, the gold is said to have moved towards the core of the(se) nanoparticles, this can only be if they are very small themselves.

Even assuming that the titania used did not contain any zinc oxide, there is no difference between the product of D2 and the product of claim 15 or 18 of the present application.

Therefore D2 destroys the novelty of at least claims 15, 16 and 18 (Art. 33(1) and (2) PCT).

2.2. Similar considerations apply to the disclosure of D3.

2.3 Given the considerations above, no patentable technical differences between the catalyst of many of the examples of D4 and the catalyst of claims 15-20 could be found (Given that the use the same materials (ST-31). Claims 15-20 therefore also lack novelty (Art. 33(1) and (2) PCT over D4.

Re Item VIII

Certain observations on the international application

1. Independent Claim 15 is unclear (Art. 6 PCT). It defines the product in terms of some steps of a process, which may however contain numerous other steps (due to the "comprising" wording). In the absence of knowledge of the influence of any other steps, it is not clear which products may or may not be falling under the scope of the claim, rendering the scope of the claims unclear (to take an extreme example for illustrative purposes, if such process would include an annealing step, this would undo any subtle changes that could possibly arise from very light etching and make the product indistinguishable from products made without any slight etching). Therefore, the "comprising" wording in combination with lack of specificity of the mentioned steps and the product-by-process formulation make the scope of the claim uncertain and therefore unclear (Art. 6 PCT).

2. Claim 16 lacks clarity or conciseness (Art. 6 PCT). Either this is a process feature, which renders the category of the claim unclear, or it is an implicit result and then redundant/ not concise.

Claims

1. A method of making a catalyst, comprising the steps of:

providing a plurality of nanoparticles,

wherein at least some of the nanoparticles comprise at least zinc-oxo domains and titanium-oxo domains;

etching the nanoparticles with an acidic etchant so as to remove at least a portion of the zinc-oxo domains from at least some of the nanoparticles; and,

depositing gold clusters of dimensions of about 0.5 nm to about 50 nm onto the etched nanoparticles.

2. The method of claim 1, wherein the etching process preferentially removes zinc-oxo material in comparison to titanium-oxo material.

3. The method of claim 2, wherein the etchant comprises nitric acid.

4. The method of claim 1, further comprising the step of drying the etched nanoparticles.

5. The method of claim 1, wherein the gold clusters are deposited via physical vapor deposition.

6. The method of claim 1, wherein the nanoparticles comprise crystalline anatase titania nanoparticles having zinc-oxo domains on their surfaces and having a TiO_2 content of about 81% and a specific surface area of about 250 m^2/g.

7. The method of claim 1, further comprising the step of depositing the etched nanoparticles on a host material so as to form a catalyst system comprising a guest/host structure.

8. The method of claim 7, further comprising the step of incorporating the catalyst system with at least one activating agent.

9. The method of claim 7, further comprising the step of incorporating the catalyst system with at least one filtering agent.

10. The method of claim 7, wherein the host material comprises activated carbon.

11. The method of claim 1 wherein the etched nanoparticles have a mean particle size in the range of about 3 nm to about 15 nm.

12. The method of claim 1 wherein the etched nanoparticles comprise nanoporosity.

13. The method of claim 1 wherein the etched nanoparticles are present as aggregates having a mean particle size in the range of about 0.1 μm to about 3 μm.

14. The method of claim 13 wherein the aggregates comprise nanoporosity.

15. A multifunctional highly active catalyst comprising a plurality of etched nanoparticles, prepared by a process comprising the steps of:

providing a plurality of nanoparticles,

wherein at least some of the nanoparticles comprise at least zinc-oxo domains and titanium-oxo domains;

etching the nanoparticles with an acidic etchant so as to remove at least a portion of the zinc-oxo domains from at least some of the nanoparticles; and,

depositing gold clusters of dimensions of about 0.5 nm to about 50 nm onto the etched nanoparticles.

16. The ~~method~~ catalyst of claim 15, wherein the etching process preferentially removes zinc-oxo material in comparison to titanium-oxo material.

17. The catalyst of claim 15, wherein zinc-oxo content is detectable on the nanoparticles after the etching process.

18. The catalyst of claim 15, wherein no zinc-oxo content is detectable on the nanoparticles after the etching process.

19. The catalyst of claim 15, wherein the nanoparticles comprise crystalline anatase titania nanoparticles having zinc-oxo domains on their surfaces and having a TiO_2 content of about 81% and a specific surface area of about 250 m^2/g.

20. The catalyst of claim 15, wherein the gold clusters are deposited via physical vapor deposition.

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.
12/997,396	03/14/2011	Duane D. Fansler	62759US002	6204

32692 7590 05/12/2011
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER

ART UNIT	PAPER NUMBER
1732	

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):

LegalUSDocketing@mmm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAY 12 2011

BC

In re application of Duane D. Fansler et al. Serial No. 12/997,396 Filed: December 10, 2010 Attorney Docket No: 62759US002	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 18, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

product is not in the English language; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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QUINN LAW GROUP, PLLC
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SUITE # 520
NOVI MI 48375

MAILED
FEB 22 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Richard Andrew Hogg	:	
Application No.: 12/997,401	:	
PCT No.: PCT/GB2009/000839	:	
Filing Date: 20 March 2009	:	PETITION UNDER
Priority Date: 21 March 2008	:	
Attorney's Docket No.: HBO105PCTUS	:	
For: Method of Modulating... Dot Leader	:	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 10 December 2010.

BACKGROUND

On 20 March 2009, this international application was filed, claiming an earliest priority date of 21 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 21 September 2010. This international application became abandoned with respect to the United States at midnight on 21 September 2010 for failure to pay the required basic national fee.

On 10 December 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).

On 03 January 2011, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date, and must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond.

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. **The Notification of Missing Requirements prematurely mailed on 03 January 2010 remains in effect as it has the correct information.**

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

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MAILED
JUL 28 2011
PCT LEGAL ADMINISTRATION

In re Application of :
POTCHEN *et al* :
U.S. Application No.: 12/997,415 :
PCT No.: PCT/US2009/036952 :
Int. Filing Date: 12 March 2009 : **DECISION**
Priority Date: 12 June 2008 :
Attorney Docket No.: 0110302 :
For: ELECTROLYTIC CELL AND RELATED :
METHODS OF MAKING AND USE :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 26 May 2011.

BACKGROUND

On 28 December 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $65.00 surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 26 May 2011, applicants filed the subject petition which was accompanied by, *inter alia*, a $65.00 surcharge fee; a $200.00 petition fee; a three-month extension fee; a declaration signed on behalf of the nonsigning inventor; a statement of Sandra Kemraj; a statement of Robert T. Potchen; and documentary evidence in support of the petition (Appendix A).

DISCUSSION

Applicants claim that Thomas KAYLOR 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 have been satisfied.

Concerning item (1), the petition fee of $200.00 has been paid.

Regarding item (2), the 37 CFR 1.47(a) applicants submitted evidence showing that after receiving a complete copy of the subject application, Mr. KAYLOR insisted that he never signed an assignment and requested to speak to the other inventor. He was then contacted by co-inventor, Bob POTCHEN on 19 April 2011. Mr. POTCHEN states that Mr. KAYLOR "unequivocally refused to sign the inventor declaration he had been sent." Mr. KAYLOR said he was going to contact a lawyer. Mr. POTCHEN attests in his statement signed 26 May 2011 that he has received no further communication from Mr. KAYLOR.

A review of the evidence shows that a complete copy of the subject application was provided to the nonsigning inventor. The statement by Mr. KAYLOR to Mr. POTCHEN on 19 April 2011 constitutes an express oral refusal to cooperate as contemplated in section 409.03(d)(II) of the MPEP. Item (2) is satisfied.

With regards to item (3), the last known address of Mr. KAYLOR was provided.

Concerning item (4), the 37 CFR 1.47(a) applicants submitted a declaration signed by one of the two named co-inventors on behalf of themselves and the nonsigning joint inventor. The residence, address and citizenship of both inventors are recorded on the declaration. 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 12 March 20096 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 26 May 2011.

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

This application is being forwarded to the National Stage Processing Division of

the Office of PCT Operations for continued processing.

James Thomson

James Thomson
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UNITED STATES PATENT AND TRADEMARK OFFICE

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

Thomas Kaylor
1190 Cupp Road
McGregor, TX 76657-3709

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JUL 28 2011

PCT LEGAL ADMINISTRATION

In re Application of
POTCHEN *et al*
U.S. Application No.: 12/997,415
PCT No.: PCT/US2009/036952
Int. Filing Date: 12 March 2009
Priority Date: 12 June 2008
Attorney Docket No.: 01,10302
For: ELECTROLYTIC CELL AND RELATED METHODS OF MAKING AND USE

Mr. Kaylor:

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.

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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
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PCT LEGAL ADMINISTRATION

Harvard University & Medical School
c/o Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210-2206

In re Application of	:	
WALKER KAHNE et al.	:	
Application No.: 12/997,429	:	DECISION
PCT No.: PCT/US2009/003424	:	
International Filing Date: 05 June 2009	:	
Priority Date: 12 June 2008	:	
Attorney Docket No.: H0824.70006US01	:	
For: METHODS AND COMPOUNDS FOR	:	
ANTIMICROBIAL INTERVENTION	:	

This decision is in response to applicants' submission filed 14 September 2011 which has properly been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 05 June 2009, applicants filed international application PCT/US2009/003424, which designated the U.S. and claimed a priority date of 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 December 2010 (12 December 2010 being a Sunday).

On 10 December 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 25 January 2011, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 04 March 2011, applicants submitted, *inter alia*, a declaration of inventors.

On 15 March 2011, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration filed 04 March

2011 was not in compliance with 37 CFR 1.497(a)-(b) because the declaration listed five inventors while the published international application listed only four inventors.

On 02 September 2011, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT indicating that the application is abandoned as to the United States of America for failure to respond to the Office letter mailed 15 March 2011.

On 14 September 2011, applicant filed the instant petition under 37 CFR 1.181.

DECISION

The NOTIFICATION OF DEFECTIVE RESPONSE mailed 15 March 2011 was in error. Although the declaration filed 04 March 2011 listed five inventors while the published international application listed only four inventors, a NOTIFICATION OF THE RECORDING OF A CHANGE (Form PCT/IB/306) dated 28 June 2010 was issued by the International Bureau indicating that Jennifer Campbell (the fifth inventor listed in the declaration) was added as an inventor in international application PCT/US2009/003424. (A copy of this Form was submitted by applicants with the application papers on 10 December 2010.) Accordingly, the inventive entity for the international application included Jennifer Campbell for a total of five inventors. See 37 CFR 1.41(a)(4). Thus, the NOTIFICATION OF DEFECTIVE RESPONSE mailed 15 March 2011 was in error and is hereby VACATED. The NOTIFICATION OF ABANDONMENT mailed 02 September 2011 is also hereby VACATED.

CONCLUSION

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

For the reasons set forth above, the NOTIFICATION OF DEFECTIVE RESPONSE mailed 15 March 2011 is VACATED.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 02 September 2011 is VACATED.

For the reasons set forth above, the petition under 37 CFR 1.137(b) filed 14 September 2011 is **MOOT**. The petition fee has been refunded to Deposit Account 232825.

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

In re Application of: NAKAMURA, Osamu, et al. U.S. Application No.: 12/997,492 PCT No.: PCT/JP2009/060241 International Filing Date: 04 June 2009 Priority Date: 12 June 2008 Attorney's Docket No.: 5132-0165PUS1 For: RELAY APPARATUS, COMMUNICATION SYSTEM AND RELAY METHOD	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 and the "Request For Corrected Official Filing Receipt And Notice Of Acceptance" filed on 22 February 2012, treated together herein as a petition under 37 CFR 1.181 to correct the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" set forth on the Notification Of Missing Requirements and the "Filing or 371(c) Date" listed on the filing receipt. No petition fee is required.

BACKGROUND

On 04 June 2009, applicants filed international application PCT/JP2009/060241. The international application claimed a priority date of 12 June 2008, and it designated the United States. On 17 December 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., 12 December 2010.

On 10 December 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 and an English translation of the international application.

On 10 January 2011, applicants filed a second Form PTO-1390 Transmittal Letter accompanied by an executed declaration, the surcharge for filing the declaration later than thirty months after the priority date, and payment of the search and examination fees. The Form PTO-1390 Transmittal Letter filed on 10 January 2011 included an express request to begin national examination procedures pursuant to 35 U.S.C. 371(c)(f).

On 19 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" and the filing date of the declaration as 10 December 2010. Also on 19 January 2011, a filing receipt was issued identifying the "Filing or 371(c) Date" as 10 December 2010.

On 02 February 2011, applicants filed the "Request For Corrected Notice Of Acceptance" considered herein.

On 22 February 2012, applicants filed the "Request For Corrected Official Filing Receipt And Notice Of Acceptance" also considered herein.

Applicants' 02 February 2011 and 22 February 2012 submissions request a corrected Notification Of Acceptance and filing receipt identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Filing or 371(c) Date" as 10 January 2011.

DISCUSSION

A review of the application file confirms that the executed declaration completing the requirements of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) was filed on 10 January 2011. Accordingly, the correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and "Filing or 371(c) Date" is 10 January 2011, as asserted by applicants in the present petition.

In view of the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 19 January 2011, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the filing date of the declaration as 10 December 2010, is appropriately vacated. In addition, the filing receipt, which incorrectly identified the "Filing or 371(c) Date" as 10 December 2010, is also appropriately vacated.

A corrected Notification of Acceptance will be issued that correctly identifies the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the filing date of the declaration as 10 January 2011. A corrected filing receipt will also be issued identifying the "Filing or 371(c) Date" as 10 January 2011.

CONCLUSION

The petition under 37 CFR 1.181 to correct the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Filing or 371(c) Date" to 10 January 2011 is **GRANTED**.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 19 January 2011, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the filing date of the declaration as 10 December 2010, and the filing receipt, which incorrectly identified the "Filing or 371(c) Date" as 10 December 2010, are hereby **VACATED.**

The correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and "Filing or 371(c) Date" is **10 January 2011**, the filing date of the executed declaration .

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) and filing receipt.

/RichardMRoss/

Richard M. Ross
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JAN 10 2011

PCT LEGAL ADMINISTRATION

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

In re Application of	:	
GIRAUD, et al.	:	DECISION ON PETITION
Application No.: 12/997,507	:	
PCT No.: PCT/US2007/006693	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 16 March 2007	:	
Priority Date: 17 March 2006	:	
Atty. Docket No.: 17494US03	:	
For: TAB RELEASE CHILD SAFETY FEATURE	:	

The petition to revive under 37 CFR 1.137(b) filed 10 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply form the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

Derek A. Putonen
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Tel: (571) 272-3294

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Washington, D.C. 20231
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COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

In re Application of	:	
CHENG et al.	:	DECISION ON REQUEST
U.S. Application No.: 12/997,513	:	FOR WITHDRAWAL AS
PCT No.: PCT/US2009/46875	:	ATTORNEY OF RECORD
Int. Filing Date: 10 June 2009	:	
Priority Date: 10 June 2008	:	
Attorney Docket No.:	:	
For: USE OF THE COMBINATIONS OF PHY906 AND A TYROSINE KINASE INHIBITOR AS A CANCER TREATMENT REGIMEN	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent Of Record And Change Of Correspondence Address" (Form PCT/SB/83) filed 23 May 2011.

The criteria for effecting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (MPEP) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. ...
>
> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of the withdrawal and the latter of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action.

Attorney Yong Lu has provided a clear indication that the request for withdrawal is being made on behalf of himself and all other attorneys/agents associated with Customer Number 58249.

There is no pending Office communication in this application for which the time period for response will expire in the next 30 days.

Because all of the criteria delineated in Section 402.06 of the MPEP have been complied with, the request for withdrawal as attorney of record 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.

/Cynthia M. Kratz/
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35148
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899 Cassatt Road
Berwyn PA 19312-1183

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JAN 26 2011

PCT LEGAL ADMINISTRATION

In re Application of :
WALDMAN *et al* :
U.S. Application No.: 12/997,545 :
PCT No.: PCT/US2009/043857 :
Int. Filing Date: 26 November 2008 :
Priority Date: 28 November 2007 :
Docket No.: 100051.14701 :
For: GUANYLYL CYCLASE C QRT-PCR :

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 10 December 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.

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Edwin D. Schindler
4 High Oaks Court
P.O. Box 4259
Huntington, NY 11743-0777

In re Application of:
TOOMER, et al.
U.S. App. No. 12/997,546
PCT No.:PCT/AU2009/000724
Int. Filing Date: 10 June 2009
Priority Date: 10 June 2008
Attorney Docket: None
For: PALLET

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This decision is issued in response to the petition under 37 CFR 1.137(b) filed 01 September 2011 to revive the above-entitled application. The petition under 37 CFR 1.137(b) is GRANTED.

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 (declaration of inventorship) 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
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Office 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:	12997556	Filing date:	December 10, 2010
First Named Inventor:	Mark Zdeblick		
Title of the Invention:	Method and Apparatus for Implantable Lead		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2010/029832

The international date of the corresponding PCT application(s) is/are: April 2, 2010

I. List of Required Documents:

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

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

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

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

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

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

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.:	12997556
First Named Inventor:	Mark Zdeblick

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
1-34	1-34	Claims are identical

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

Signature	/Bret E. Field, Reg. No. 37,620/	Date	December 14, 2010
Name (Print/Typed)	Bret E. Field	Registration Number	37,620

Privacy Act Statement

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

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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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.
12/997,556	12/10/2010	Mark Zdeblick	PRTS-145	7272

61487 7590 02/04/2011
Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

EXAMINER

ART UNIT	PAPER NUMBER
3766	

MAIL DATE	DELIVERY MODE
02/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

In re Application of	:	
ZDEBLICK, MARK	:	DECISION ON REQUEST TO
Application No. 12/997,556	:	PARTICIPATE IN PATENT
Filed: Dec. 10, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. PRTS/145	:	PROGRAM AND PETITION
Title: METHOD AND APPARATUS FOR IMPLANTABLE LEAD	:	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. 14, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Carl Layno, the SPE of Art Unit 3766 and 571-272-4949 for Class 607/116 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

SEP 16 2011

PCT LEGAL ADMINISTRATION

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

In re Application of	:	
Zdeblick	:	
Application No. 12/997,556	:	DECISION ON PETITIONS
PCT No.: PCT/US2010/029832	:	
Int. Filing Date: 02 April 2010	:	UNDER 37 CFR 1.78(a)(3) AND
Priority Date: 02 April 2009	:	
Attorney Docket No.: PRO-123 (PRTS-145)	:	UNDER 37 CFR 1.78(a)(6)
For: Method And Apparatus For Implantable Lead	:	

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed on July 12, 2011 and supplemented on July 18, 2011, to accept unintentionally delayed claims under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petitions are DISMISSED, without prejudice.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require

additional where there is a question whether the delay was unintentional.

The petition fails to comply with item (1) above.

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP Section 201.11, Rev. 2, May 2004, Reference to Prior Application. **The amendment filed on July 12, 2011 fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.**

Accordingly, before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) and a substitute amendment[1] which sets forth the relationship of the prior-filed application(s) 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.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel.: (571) 272-3283

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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[1] *Note* 37 CFR 1.121

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JAN 27 2012
PCT LEGAL ADMINISTRATION

Proteus Biomedical, Inc.
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto CA 94303

In re Application of	:	
Zdeblick	:	
Application No. 12/997,556	:	DECISION ON PETITIONS
PCT No.: PCT/US2010/029832	:	
Int. Filing Date: 02 April 2010	:	UNDER 37 CFR 1.78(a)(3) AND
Priority Date: 02 April 2009	:	
Attorney Docket No.: PRO-123 (PRTS-145)	:	UNDER 37 CFR 1.78(a)(6)
For: Method And Apparatus For Implantable Lead	:	

This is a decision on the correspondence filed on 22 September 2011, which is being treated as renewed petitions under 37 CFR 1.78(a)(3) and 1.78(a)(6) to accept unintentionally delayed claims under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petitions are **DISMISSED**, without prejudice.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition fails to comply with item (1) above.

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP Section 201.11, Rev. 2, May 2004, Reference to Prior Application. The amendment filed on September 22, 2011 fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable. More specifically, the amendment indicates that 11/731,252 is a "continuation" of 11/219,305, but review of the record reveals that 11/731,252 is in fact a divisional of 11/219,305. This error is also present in the concurrently filed Supplemental ADS.

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) and a substitute amendment[1] which sets forth the relationship of the prior-filed application(s) 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.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel.: (571) 272-3283

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

[1] *Note* 37 CFR 1.121

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
John A. Stahl

Application No. 12997565

Filed: May 26,2011

Attorney Docket No. 120276.0001

: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 14-NOV-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12997565	Confirmation Number	7347	Filing Date	2011-05-26
Attorney Docket Number (optional)	120276.0001	Art Unit	1765	Examiner	Unknown
First Named Inventor	John A. Stahl				
Title of Invention	POLYURETHANE FOAM COMPOSITIONS AND PROCESS FOR MAKING SAME				

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
John	A.	Stahl	

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	/Joseph J. Crimaldi/	Date (YYYY-MM-DD)	2011-11-14
Name	Joseph J. Crimaldi	Registration Number	41690

PTO/SB/130 (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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	12997568
Filing Date	21-Mar-2011
First Named Inventor	Yoram Cohen
Art Unit	1778
Examiner Name	DENISE ANDERSON
Attorney Docket Number	TRUC-010/02US 309245-2077
Title	Method and System for High Recovery Water Desalting

◉ 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
www.uspto.gov

Decision Date : February 13, 2012

In re Application of :

Yoram Cohen

Application No : 12997568

Filed : 21-Mar-2011

Attorney Docket No : TRUC-010/02US 309245-2077

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

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:	12/997,587	Filing date:	11-Dec-2010
First Named Inventor:	Elena Fabbri		
Title of the Invention:	Structure for prefabricated units		

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/IT2008/000686

The international date of the corresponding PCT application(s) is/are: 03-Nov-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.

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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.:	12/997,587
First Named Inventor:	Elena Fabbri

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 11-Dec-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 11-Dec-2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Amended to put the claim in conventional U.S. format
2	2	Amended to put the claim in conventional U.S. format
3	3	Amended to put the claim in conventional U.S. format
4	4	Amended to put the claim in conventional U.S. format
5	5	Amended to put the claim in conventional U.S. format
6	6	Amended to put the claim in conventional U.S. format
7	7	Amended to put the claim in conventional U.S. format
8	8	Amended to put the claim in conventional U.S. format
9	9	Amended to put the claim in conventional U.S. format
10	10	Amended to put the claim in conventional U.S. format
11	11	Amended to put the claim in conventional U.S. format
12	12	Amended to put the claim in conventional U.S. format
13	13	Amended to put the claim in conventional U.S. format
14	14	Amended to put the claim in conventional U.S. format
15	15	Amended to put the claim in conventional U.S. format
16	16	Amended to put the claim in conventional U.S. format

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Franco A. Serafini/	Date 13-Dec-2010
Name (Print/Typed) Franco A. Serafini	Registration Number 52,207

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,587	12/11/2010	Elena Fabbri	10164.00003	7638

39232 7590 07/14/2011
Themis Law
7979 Ivanhoe Ave Ste 400
La Jolla, CA 92037

EXAMINER

ART UNIT	PAPER NUMBER
3633	

NOTIFICATION DATE	DELIVERY MODE
07/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

contact@themisipc.com

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JUL 13 2011

Themis Law
7979 Ivanhoe Ave Ste 400
La Jolla CA 92037

In re application of Elena Fabbri Application No. 12/997,587 Filed: December 11, 2010 For: STRUCTURE FOR PREFABRICATED	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 13, 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: 07/13/11

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ALEXANDRIA, VA 22313-1450
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MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

MAILED
JAN 10 2011
PCT LEGAL ADMINISTRATION

In re Application of TORKOWSKI et al
U.S. Application No.: 12/997,588
PCT Application No.: PCT/DE2009/000738
Int. Filing Date: 26 May 2009
Priority Date Claimed: 13 June 2008
Attorney Docket No.: KKRT-01801-NUS
For: CLOSING DEVICE COMPRISING TWO PAWLS AND A MOTOR-DRIVEN ACTUATING MECHANISM

DECISION

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 12 December 2010.

BACKGROUND

On 26 May 2009, applicant filed international application PCT/DE2009/000738, which claimed priority of an earlier Germany application filed 13 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 17 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 13 December 2010.

On 11 December 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 12 December 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The petition states that joint inventor Kevin Zhang cannot be found after diligent effort. However, the petition does not sufficiently demonstrate that a diligent effort was made to locate inventor Zhang. While the petition includes evidence of unsuccessful attempts to reach inventor Zhang by postal mail, by electronic mail, and by telephone, the petition does not describe efforts to find inventor Zhang by other means including searching directories and by contacting the other inventors. Thus, it would not be reasonable to conclude at the present time that inventor Zhang cannot be located.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

MAILED
MAY 04 2011
PCT LEGAL ADMINISTRATION

In re Application of TORKOWSKI et al	:	
U.S. Application No.: 12/997,588	:	
PCT Application No.: PCT/DE2009/000738	:	
Int. Filing Date: 26 May 2009	:	DECISION
Priority Date Claimed: 13 June 2008	:	
Attorney Docket No.: KKRT-01801-NUS	:	
For: CLOSING DEVICE COMPRISING TWO PAWLS AND A MOTOR-DRIVEN ACTUATING MECHANISM	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 09 March 2011.

BACKGROUND

On 26 May 2009, applicant filed international application PCT/DE2009/000738, which claimed priority of an earlier Germany application filed 13 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 17 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 13 December 2010.

On 11 December 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 12 December 2010, applicant filed a petition under 37 CFR 1.47(a).

On 10 January 2011, this Office mailed a decision dismissing the 12 December 2010 petition.

On 09 March 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

The renewed petition includes a declaration executed by the previously nonsigning inventor. This is a proper response to the decision mailed 10 January 2011.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 26 May 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 March 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

MAILED
DEC 02 2011
OFFICE OF PETITIONS

In re Application of Gilles Henry :
Application No. 12/997,617 :
Int'l Filing Date: July 3, 2009 :
Attorney Docket No. 17761/002001 :
Pub. No. US 2011/0089670 A1 :
Pub. Date: April 21, 2011 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed June 16, 2011.

The request is **dismissed**.

Applicant requests 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 mistakes as required under 37 C.F.R. § 1.221(b) because the mistakes do not affect the public's ability to appreciate the

[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).

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.

The Office's failure to include changes to the specification made by a preliminary amendment filed December 13, 2010, was not an Office error. Specifically, a copy of the application, as amended, was not submitted in compliance with 37 C.F.R. § 1.215(c) and, although 37 C.F.R. § 1.215(a) provides the Office with the discretion to include changes made by a preliminary amendment in a publication when certain criteria are satisfied, it does not require the Office to include such changes in the publication.

In view of the prior discussion, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicant is advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE
BLDG. #3
LAWRENCEVILLE NJ 08648

MAILED
JUL 01 2011
PCT LEGAL ADMINISTRATION

In re Application of:
WINKELHAKE, Dirk, et al.
U.S. Application No.: 12/997,634
PCT No.: PCT/EP2009/003985
International Filing Date: 04 June 2009
Priority Date: 12 June 2008
Attorney's Docket No.: P36317 US
For: APPARATUS FOR PUSHING GLASS ARTICLES ONTO A BELT CONVEYOR

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the request for "Correction Of Inventorship Under 37 C.F.R. 1.497(d)" filed on 24 May 2011. Applicant has paid the required $130 processing fee.

BACKGROUND

On 04 June 2009, applicants filed international application PCT/EP2009/003985. The application claimed a priority date of 12 June 2008, and it designated the United States. On 17 December 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 13 December 2010 (12 December 2010 was a Sunday). The published international application identified two applicant/inventors for the United States: Dirk WINKELHAKE and Matthias HUBNER.

On 13 December 2010, applicants filed materials requesting entry into the national stage in the United States including, among other materials, payment of the basic national fee and an English translation of the international application.

On 13 January 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 18 January 2011, applicants filed a response to the Notification of Missing Requirements that included payment of the required surcharge and a declaration document executed by the two inventors of record as well as a third person, Benedikt FELGENHAUER.

On 21 January 2011, the DO/EO/US issued a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed on 18 January 2011 was defective based on the inclusion of the additional inventor (as well as a defect in the format of the declaration).

On 24 May 2011, applicants filed a revised declaration accompanied by the request to correct inventorship under 37 CFR 1.497(d) considered herein. The submission requests that Benedikt FELGENHAUER be added to the present application as an additional inventor of record.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declaration filed by applicants on 18 January 2011 and the revised declaration filed on 24 May 2011 name an inventive entity different than that set forth in the international application. Specifically, Benedikt FELGENHAUER has been included as an additional inventor. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

Applicants' present submission includes the required statement of non-deceptive intent from the inventor to be added, Benedikt FELGENHAUER, and payment of the required processing fee. Requirements (A) and (B) are therefore satisfied.

With respect to requirement (C), applicants have submitted a statement of consent to the requested change of inventorship executed by representatives of the assignee, Heye International GmbH (Heye); however, the statement of consent was not accompanied by a statement in compliance with 37 CFR 3.73(b), as also required. Because the assignee's consent has not been submitted in compliance with 37 CFR 3.73(b), requirement (C) of a grantable request under 37 CFR 1.497(d) is not satisfied on the present record.

Based on the above, applicants have failed to submit all the requirements of a grantable request under 37 CFR 1.497(d) to add Benedikt FELGENHAUER as an additional inventor herein. The request is therefore appropriately dismissed.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The inventorship of record herein remains that set forth in the international application, that is, Dirk WINKELHAKE and Matthias HUBNER.

The revised declaration filed 24 May 2011, which includes Benedikt FELGENHAUER as an additional inventor, is defective on the present record for failure to properly identify the inventors of record herein.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to complete the requirement (C) of a grantable request, as discussed above and in the MPEP.

Failure to file a proper and timely response will result in abandonment of the application. Extensions of time under the provision of 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE
BLDG. #3
LAWRENCEVILLE NJ 08648

In re Application of:
WINKELHAKE, Dirk, et al.
U.S. Application No.: 12/997,634
PCT No.: PCT/EP2009/003985
International Filing Date: 04 June 2009
Priority Date: 12 June 2008
Attorney's Docket No.: P36317 US
For: APPARATUS FOR PUSHING GLASS ARTICLES ONTO A BELT CONVEYOR

DECISION ON RENEWED REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to applicants' "Renewed Request Under 37 C.F.R. 1.497(d)" filed 31 August 2011. Applicants have previously paid the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 01 July 2011. The decision dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d), finding that applicants had failed to satisfy all the requirements of a grantable request. Specifically, applicants had failed to provide the consent of the assignee in the form required under 37 CFR 3.73(b).

On 31 August 2011, applicants filed the "Renewed Request Under 37 C.F.R. 1.497(d)" considered herein.

DISCUSSION

Applicants' previously submitted a statement of consent to the requested change of inventorship executed by representatives of the assignee, Heye International GmbH (Heye), and the present renewed petition is accompanied by an executed "Statement Under 37 CFR 3.73(b)" (Form PTO/SB/96) from the assignee. These materials, in combination, provide the consent of the assignee in compliance with 37 CFR 3.73(b). Accordingly, applicants have now satisfied the final outstanding requirement for a grantable request to correct inventorship under 37 CFR 1.497(d). The requested addition of Benedikt FELGENHAUER as an additional inventor of record in the present application is therefore appropriately granted.

Based on the above correction, the declaration filed 24 May 2011 is now acceptable in compliance with 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to add Benedikt FELGENHAUER as an additional inventor of record.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 24 May 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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
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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:	12/997,635	Filing date:	December 13, 2010
First Named Inventor:	Raimund Nebel		
Title of the Invention:	STEERING WHEEL UNIT		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/000695

The international filing date of the corresponding PCT application(s) is/are: February 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)**

- [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 EPO AND THE USPTO

(continued)

Application No.:	12/997,635
First Named Inventor:	Raimund Nebel

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 Dec. 13, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on Dec. 13, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Substantially the same
2	2	Substantially the same
3	3	Substantially the same
4	4	Substantially the same
5	5	Substantially the same
6	6	Substantially the same
7	7	Substantially the same
8	8	Substantially the same
9	9	Substantially the same
10	10	Substantially the same
11	11	Substantially the same
12	12	Substantially the same
13	13	Substantially the same
14	14	Substantially the same
15	15	Substantially the same
16	16	Substantially the same
18	18	Substantially the same
19	19	Substantially the same
20	20	Substantially the same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Gerlinde Nattler/	Date March 30, 2011
Name (Print/Typed) Gerlinde M. Nattler	Registration Number 51,272

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.
12/997,635	12/13/2010	Raimund Nebel	12400-230	8045

80711 7590 04/25/2011
Brinks Hofer Gilson & Lione/Ann Arbor
524 South Main Street
Suite 200
Ann Arbor, MI 48104

EXAMINER
DICKSON, PAUL N

ART UNIT	PAPER NUMBER
3616	

MAIL DATE	DELIVERY MODE
04/25/2011	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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APR 2 5 2011

Brinks Hofer Gilson & Lione/Ann Arbor
524 South Main Street
Suite 200
Ann Arbor MI 48104

In re application of Nebel et al. Application No. 12/997,635 Filed: December 13, 2010 For: STEERING WHEEL UNIT	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 31, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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 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: 04/22/11

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,647	12/13/2010	Toshihiro Matsumoto	P55405-01	8131

42212 7590 04/12/2011
PANASONIC PATENT CENTER
1130 CONNECTICUT AVENUE NW, SUITE 1100
WASHINGTON, DC 20036

EXAMINER
KALAFUT, STEPHEN J

ART UNIT	PAPER NUMBER
1727	

NOTIFICATION DATE	DELIVERY MODE
04/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ppc@us.panasonic.com
Dhiren.Odedra@us.panasonic.com
idogawa.y@jp.panasonic.com

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Commissioner for Patents
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Alexandria, VA 22313-1450
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April 11, 2011 WG

In re application of	:	DECISION ON REQUEST TO
Toshihiro Matsumoto et al.	:	PARTICIPATE IN PATENT
Serial No. 12/997,647	:	PROSECUTION HIGHWAY
Filed: December 13, 2010	:	PROGRAM AND
For: FUEL CELL STACK	:	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 January 25, 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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Washington, D.C. 20231
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BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104

MAILED
JUN 03 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
BREWER, et al.	:	DECISION ON PETITION
Serial No.: 12/997,657	:	
PCT No.: PCT/US2009/048006	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 19 June 2009	:	
Priority Date: 20 June 2008	:	
Atty Docket No.: 113601-0480	:	
For: VEHICLE SEAT	:	

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 11 May 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 19 June 2009, applicant filed international application PCT/US2009/048006 which claimed priority to an earlier application filed 20 June 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 20 December 2010.

On 13 December 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 11 January 2011, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 06 April 2011, applicant filed a combined declaration and power of attorney signed by one of the co-inventors.

On 21 April 2011, applicant was mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) informing that the filed declaration was defective as it did

not contain the signatures of both of the listed inventors. Applicant was afforded one month to file a proper response.

On 11 May 2011, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1, 3 and 4.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

In the present case, it appears from the petition that an attempt was made to present inventor Siegrist with a complete set of application papers. However, based on the current filing it is not possible to accept the inventor's subsequent silence as a refusal at this time. It does not appear that counsel, Beverly M. Bunting, has firsthand knowledge of what was sent to the inventor. In addition, the tracking information contained in "Appendix C" has not been translated into English, thus it is unclear if the parcel was delivered and if so if someone signed for the mailing. Lastly, the letter in "Appendix C" references declarations for filing in China and India, but not the United States. Thus, there is a question as to whether the inventor was presented with a declaration for the above-captioned application.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

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ANN ARBOR MI 48104

MAILED
NOV 15 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
BREWER, et al.	:	DECISION ON PETITION
Serial No.: 12/997,657	:	
PCT No.: PCT/US2009/048006	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 19 June 2009	:	
Priority Date: 20 June 2008	:	
Atty Docket No.: 113601-0480	:	
For: VEHICLE SEAT	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 26 October 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 03 June 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to respond and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 26 October 2011, applicant filed the presently discussed paper which is being treated as a renewed petition under 37 CFR 1.47(a) accompanied by a petition for a three-month extension of time and payment of the appropriate extension of time fee. The response is timely filed.

DISCUSSION

As detailed in the decision mailed 03 June 2011, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

A review of applicant's 26 October 2011 filing finds that applicant has located the previously non-signing inventor and currently provided a declaration signed by both of the inventors. As applicant has now provided signed declarations by both of the inventors listed on

the published international application, the renewed petition under 37 CFR 1.47(a) is dismissed as moot.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED as moot**.

The application has an international filing date of 19 June 2009 under 35 U.S.C. 363, and will be given a date of **26 October 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Doc Code: PET.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: TMP-055	Application Number (if known): 12/997,671	Filing date: December 13, 2010

First Named Inventor: Kazuhisa TSUTSUMI et al.

Title: HYDRAULIC PUMP STRUCTURE FOR WIND TURBINE GENERATOR OR TIDAL CURRENT GENERATOR AND METHOD OF MOUNTING HYDRAULIC PUMP

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Kenneth M. Berner/	Date November 16, 2011
Name (Print/Typed) Kenneth M. Berner	Registration Number 37,093

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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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.
12/997,671	02/15/2011	Kazuhisa Tsutsumi	TMP-055	8340

32628 7590 12/07/2011
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER

ART UNIT	PAPER NUMBER
3746	

MAIL DATE	DELIVERY MODE
12/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of	:	
TSUTSUMI, KAZUHISA et. al.	:	DECISION ON PETITION
Application No. 12/997,671	:	TO MAKE SPECIAL UNDER
Filed: February 15, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. TMP-055	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 16, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3746 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

MAILED
DEC 13 2011
OFFICE OF PETITIONS

Applicant(s): Anro, et al.
Appl. No.: 12/997,720
Filing Date: April 18, 2011
Title: INHIBITION OF HRP-3 USING MODIFIED OLIGONUCLEOTIDES
Attorney Docket No.: 2923-1079
Pub. No.: US 2011/0190445 A1
Pub. Date: August 4, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on October 3, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains several material mistakes, wherein Para [0005], line 11: ...is an Integer...should read "s Is an Integer," Para [0008], line 10: ...alkenyl, e.g. C_2-C_s...should read "alkenyl, e.g. C_2-C_6...," Para [0008], line 11:...e.g. C_2-C_5...should read "e.g. C_2-C8," Para [0012], line 7:...Preferably, the to bridging...should read "Preferably, the bridging"..., Para [0044], line 5: C. for 0-25 hours, should read "C for 0-25 hours," Paragraph [0045], line 4:...cell lines SH-SY...should read "GI-L-IN-SH-SY..."

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The errors noted by requestor are Office errors but are not material Office errors as defined under 37 CFR 1.221(b). The errors do not affect the public's ability to appreciate the technical

[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).

disclosure of the patent application publication. In particular, the errors do not affect the interpretation of the published claims. See MPEP 1130 B.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application 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

PTO/SB/20PCT-EP (05-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/997,731	Filing date:	May 31, 2011
First Named Inventor:	Molloy		
Title of the Invention:	Water Elevation Type Energy Converter and Method of Conversion of Wave Energy		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/004182

The international filing date of the corresponding PCT application(s) is/are: June 10, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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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 EPO AND THE USPTO

(continued)

Application No.:	12/997,731
First Named Inventor:	Molloy

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on January 24, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on January 24, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	based on PCT claim; amendments made for clarity
2	2	based on PCT claim; amendments made for clarity
3	3	based on PCT claim; amendments made for clarity
4	4	based on PCT claim; amendments made for clarity
5	5	based on PCT claim; amendments made for clarity
6	6	based on PCT claim; amendments made for clarity
7	7	based on PCT claim; amendments made for clarity
8	8	based on PCT claim; amendments made for clarity
9	9	based on PCT claim; amendments made for clarity
13	13	based on PCT claim; amendments made for clarity
14	14	based on PCT claim; amendments made for clarity
15	15	based on PCT claim; amendments made for clarity
16	16	based on PCT claim; amendments made for clarity
17	17	based on PCT claim; amendments made for clarity
18	18	based on PCT claim; amendments made for clarity
19	19	based on PCT claim; amendments made for clarity
20	20	based on PCT claim; amendments made for clarity
21	1	amendments made for consistency with claim 1
22	1	depends from claim 1

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /James A. Culverwell/	Date 10/21/2011
Name (Print/Typed) James A. Culverwell	Registration Number 58,175

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-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:	12/997,749	Filing date:	December 13, 2010
First Named Inventor:	Marco Hofmann		
Title of the Invention:	RU SULFOXIDE COMPLEXES, THEIR PREPARATION AND USE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/056314

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.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/997,749
First Named Inventor:	Marco Hofmann

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
7	1	Rewritten in U.S. Format
8	3	Rewritten to be dependent on claim 7
9	4	Rewritten to be dependent on claim 7
10	5	Rewritten in U.S. Format
11	6	Rewritten in U.S. Format
12	2	Use claim redrafted as a process claim
13	2	Dependent upon claim 12

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /William G. Conger/	Date February 17, 2011
Name (Print/Typed) William G. Conger	Registration Number 31209

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,749	12/13/2010	Marco Hofmann	WAS1097PUSA	8803

22045 7590 04/18/2011
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
LOEWE, ROBERT S

ART UNIT	PAPER NUMBER
1766	

MAIL DATE	DELIVERY MODE
04/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EL

April 18, 2011

In re application of	:	DECISION ON REQUEST TO
Hofmann, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/997,749	:	PROSECUTION HIGHWAY
Filed: December 13, 2010	:	PROGRAM AND
For: **RU SULFOXIDE COMPLEXES,**	:	PETITION TO MAKE SPECIAL
THEIR PREPARATION AND USE	:	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 February 18, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial

applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700

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:	12/997,801	Filing date:	December 13, 2010
First Named Inventor:	Mikako TAKEDA		
Title of the Invention:	STEEL MATERIAL FOR DISSIMILAR METAL JOINING, JOINED BODY OF DISSIMILAR METALS AND PROCESS FOR JOINING DISSIMILAR METAL MATERIALS		

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/JP2009/058160

The international date of the corresponding PCT application(s) is/are: April 24, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached. See Appendix A

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached. See Appendix C

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

See Appendices B and D

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/997,801
First Named Inventor:	Mikako TAKEDA

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 13, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
		See Appendix E

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 4/12/11
Name (Print/Typed) Jacob A. Doughty	Registration Number 46,671

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/997,801
Attorney Docket No. 372319US99PCT

APPENDIX A

International Preliminary Report on Patentability and Written Opinion Issued by the International Bureau in PCT/JP2009/058160 on January 20, 2011

PCT/JP2009/058160

1014
2067

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)
(PCT Rule 44bis.1(c))

To:

TANAKA, Mitsuo
AOYAMA & PARTNERS, IMP Building, 3-7, Shiromi
1-chome, Chuo-ku, Osaka-shi, Osaka
5400001
JAPON

Date of mailing *(day/month/year)* 23 December 2010 (23.12.2010)	
Applicant's or agent's file reference 669059	**IMPORTANT NOTICE**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/058160	24 April 2009 (24.04.2009)	13 June 2008 (13.06.2008)

Applicant
KABUSHIKI KAISHA KOBE SEIKO SHO et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 669059	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/058160	International filing date *(day/month/year)* 24 April 2009 (24.04.2009)	Priority date *(day/month/year)* 13 June 2008 (13.06.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KABUSHIKI KAISHA KOBE SEIKO SHO		

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 13 December 2010 (13.12.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

特許協力条約

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ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）	０４．０８．２００９
出願人又は代理人 の書類記号　669059	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／ＪＰ２００９／０５８１６０	（日.月.年）　２４．０４．２００９	（日.月.年）　１３．０６．２００８

国際特許分類（ＩＰＣ）Int.Cl. 補充欄参照

出願人（氏名又は名称）
株式会社神戸製鋼所

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
２２．０７．２００９

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 河野　一夫 電話番号　０３－３５８１－１１０１　内線　３４３５	４Ｋ	９８３３

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／ＪＰ２００９／０５８１６０

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／ＪＰ２００９／０５８１６０

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１－７，１５－２４に係る発明の「特別な技術的特徴」は、特定組成の鋼と６０００系アルミニウム合金材との接合強度を高めるべく鋼材表面における外部酸化物を一定量未満に制限してなる異材接合用鋼材に関し、請求項８－１４に係る発明の「特別な技術的特徴」は、特定組成の鋼と５０００系アルミニウム合金材又は７０００系アルミニウム合金材との接合強度を高めるべく鋼材表面における外部酸化物を一定量以上積極的に存在せしめてなる異材接合用鋼材に関するものである。

これらの発明は、一又は二以上の同一又は対応する特別な技術的特徴を含む技術的な関係にないから、単一の一般的発明概念を形成するように連関しているものとは認められない。

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／ＪＰ２００９／０５８１６０

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

文献１：JP 2006-336070 A（株式会社神戸製鋼所）2006.12.14, 全文
& US 2006/0275623 A1 & EP 1728578 A1 & KR 10-2006-0125584 A
文献２：WO 2007/097378 A1（株式会社神戸製鋼所）2007.08.30, 全文
& US 2009/0011269 A1 & EP 1987904 A1 & KR 10-2008-0089501 A

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、新規性を有する。

特に、６０００系アルミニウム合金材との異材接合用鋼材を製造するにあたり、鋼材の組成を特定の組成範囲を満足するものとし、更にその鋼生地表面からの深さが２０μｍまでの鋼領域に存在する、結晶粒界に存在する酸化物と、Ｍｎ、Ｓｉを合計量で１ａｔ％以上含む結晶粒内に存在する酸化物の占める割合を、この鋼領域に占める平均面積割合として５％以上２０％未満、及びこの鋼材表面上に存在する、Ｍｎ、Ｓｉを合計量で１ａｔ％以上含む外部酸化物の占める割合を、鋼生地と外部酸化物層との界面の水平方向の長さ１μｍに対して占めるこの酸化物の合計長さの平均割合として、０．１％以上５０％未満とすることで、鋼材とアルミニウム合金材とをスポット溶接する場合に接合時のＦｅとＡｌの拡散を抑えてＡｌ－Ｆｅ系の脆い金属間化合物層生成を抑制し、異材接合体の接合強度を２ｋＮ以上とする技術は、何れの文献にも開示されていない。

補充欄

いずれかの欄の大きさが足りない場合

第　　欄の続き

C22C38/00(2006.01)i, B23K11/20(2006.01)i, B23K20/12(2006.01)i, B23K20/227(2006.01)i, C22C21/02(2006.01)i, C22C21/06(2006.01)i, B23K103/20(2006.01)n, C22C38/04(2006.01)n, C22C38/60(2006.01)n

APPENDIX B

Claims of PCT/JP2009/058160 Indicated to Have Novelty, Inventive Step, and Industrial Applicability

請求の範囲

[請求項1] ６０００系アルミニウム合金材との異材接合用鋼材であって、この鋼材の組成を、質量%で、Ｃ：０．０１～０．３０%、Ｓｉ：０．１～３．００%、Ｍｎ：０．１～３．００%を各々含有するとともに、Ｐ：０．１０%以下（０%を含む）、Ｓ：０．０５%以下（０%を含む）、Ｎ：３００ｐｐｍ以下（０%を含む）に各々規制したものとし、この鋼材の鋼生地表面からの深さが２０μｍまでの鋼領域に存在する酸化物として、結晶粒界に存在する酸化物と、Ｍｎ、Ｓｉを合計量で１ａｔ%以上含む結晶粒内に存在する酸化物との占める割合が、この鋼領域に占める平均面積割合として、５%以上２０%未満であり、この鋼材表面上に存在する、Ｍｎ、Ｓｉを合計量で１ａｔ%以上含む外部酸化物の占める割合が、鋼生地と外部酸化物層との界面の略水平方向の長さ１μｍに対して占めるこの酸化物の合計長さの平均割合として、０．１%以上５０%未満であることを特徴とする異材接合用鋼材。

[請求項2] 請求項１に記載の鋼材とアルミニウム合金材との異材接合体であって、上記アルミニウム合金材が、質量%で、Ｍｇ：０．１～３．０%、Ｓｉ：０．１～２．５%、Ｃｕ：０．００１～１．０%を各々含有する６０００系アルミニウム合金からなり、異材接合体の前記アルミニウム合金材側の接合界面におけるＦｅの含有量が２．０質量%以下であるとともに、上記接合界面にＦｅとＡｌとの反応層が形成されていることを特徴とする異材接合体。

[請求項3] 前記異材接合体がスポット溶接されたものであり、スポット溶接箇所毎の条件として、前記鋼材とアルミニウム合金材との接合界面に形成された前記ＦｅとＡｌとの反応層のナゲット深さ方向の平均厚みが０．１～３μｍの範囲であるとともに、前記ＦｅとＡｌとの反応層の形成範囲が、スポット溶接面積の７０%以上の面積である請求項２に記載の異材接合体。

[請求項4] 前記異材接合体の十字引張試験片により測定された剥離強度が２ｋＮ以上である請求項２に記載の異材接合体。

[請求項5] 前記異材接合体が自動車の車体構造用である請求項２に記載の異材接合体。

[請求項6] 鋼材とアルミニウム合金材との異材接合方法であって、請求項１に記載の鋼材と、質量%で、Ｍｇ：０．１～３．０%、Ｓｉ：０．１～２．５%、Ｃｕ：０．００１～１．０%を各々含有する６０００系アルミニウム合金からなるアルミニウム合金材とをスポット溶接またはフリクションスポット接合（摩擦攪拌接合）することを特徴とする異材接合方法。

[請求項7] 前記鋼材とアルミニウム合金材との接合箇所毎の条件として、電極間加圧力２．０～３．０ｋＮにて、１０～３５ｋＡの電極間電流を、溶接されるアルミニウム合金材部分の厚みｔmmとの関係で、２００×ｔｍｓｅｃ以下の時間通電することにより、鋼材とアルミニウム合金材とをスポット溶接することを特徴とする請求項６に記載の異材接合方法。

[請求項8] ５０００系または７０００系アルミニウム合金材との異材接合用鋼材であって、この鋼材の組成を、質量%で、Ｃ：０．０１～０．３０%、Ｓｉ：０．１～３．００%、Ｍｎ：０．１～３．００%を各々含有するとともに、Ｐ：０．１０%以下（０%を含む）、Ｓ：０．０５%以下（０%を含む）、Ｎ：３００ｐｐｍ以下（０%を含む）に各々規制したものとし、この鋼材表面上に存在する、Ｍｎ、Ｓｉを合計量で１ａｔ%以上含む外部酸化物の占める割合が、鋼生地と外部酸化物層との界面の略水平方向の長さ１μmに対して占めるこの酸化物の合計長さの平均割合として、８０～１００%であることを特徴とする異材接合用鋼材。

[請求項9] 請求項８に記載の鋼材とアルミニウム合金材との異材接合体であって、上記アルミニウム合金材が、質量%でＭｇ：１．０%以上を含む

５０００系または７０００系アルミニウム合金からなり、異材接合体の前記アルミニウム合金材側の接合界面におけるＦｅの含有量が２．０質量%以下であるとともに、上記接合界面にＦｅとＡｌとの反応層が形成されていることを特徴とする異材接合体。

[請求項10] 前記異材接合体がスポット溶接されたものであり、スポット溶接箇所毎の条件として、前記鋼材とアルミニウム合金材との接合界面に形成された前記ＦｅとＡｌとの反応層のナゲット深さ方向の平均厚みが０．１～３μｍの範囲であるとともに、前記ＦｅとＡｌとの反応層の形成範囲が、スポット溶接面積の７０%以上の面積である請求項９に記載の異材接合体。

[請求項11] 前記異材接合体の十字引張試験片により測定された剥離強度が２ｋＮ以上である請求項９に記載の異材接合体。

[請求項12] 前記異材接合体が自動車の車体構造用である請求項９に記載の異材接合体。

[請求項13] 鋼材とアルミニウム合金材との異材接合方法であって、請求項８に記載の鋼材と、質量%でＭｇ：１．０%以上を含む５０００系または７０００系アルミニウム合金からなるアルミニウム合金材とをスポット溶接またはフリクションスポット接合（摩擦攪拌接合）することを特徴とする異材接合方法。

[請求項14] 前記鋼材とアルミニウム合金材との接合箇所毎の条件として、電極間加圧力２．０～３．０ｋＮにて、１０～３５ｋＡの電極間電流を、溶接されるアルミニウム合金材部分の厚みｔｍｍとの関係で、２００×ｔｍｓｅｃ以下の時間通電することにより、鋼材とアルミニウム合金材とをスポット溶接することを特徴とする請求項１３に記載の異材接合方法。

[請求項15] 鋼材とアルミニウム合金材との異材接合体であって、接合する鋼材を、質量%で、Ｃ：０．０１～０．３０%、Ｓｉ：０．１～３．００%、Ｍｎ：０．１～３．００%を各々含有し、Ｐ：０．１０%以下（

０％を含む）、Ｓ：０．０５％以下（０％を含む）、Ｎ：３００ｐｐｍ以下（０％を含む）に各々規制した鋼材とするとともに、接合するアルミニウム合金材を、質量％で、Ｍｇ：０．１～３．０％、Ｓｉ：０．１～２．５％、Ｃｕ：０．００１～１．０％を各々含有し、更に、Ｌｉ：０．０１～０．５％、Ｍｎ：０．１～０．５％の１種または２種を含有させた６０００系アルミニウム合金とし、異材接合体の前記アルミニウム合金材側の接合界面におけるＦｅの含有量を２．０質量％以下に規制した上で、異材接合体の接合界面にＦｅとＡｌとの反応層が形成されていることを特徴とする異材接合体。

[請求項16] 前記異材接合体がスポット溶接されたものであり、スポット溶接箇所毎の条件として、前記鋼材とアルミニウム合金材との接合界面に形成された前記ＦｅとＡｌとの反応層のナゲット深さ方向の平均厚みが０．１～３μｍの範囲であるとともに、前記ＦｅとＡｌとの反応層の形成範囲が、スポット溶接接合面積の７０％以上の面積である請求項１５に記載の異材接合体。

[請求項17] 前記接合する鋼材表面上に存在する外部酸化物層を、Ｍｎ、Ｓｉを合計量で１ａｔ％以上含む酸化物の占める割合が、鋼生地と外部酸化物層との界面の略水平方向の長さ１μｍに対して占めるこの酸化物の合計長さの平均割合として、５０～８０％である組成とした請求項１５に記載の異材接合体。

[請求項18] 前記接合する鋼材の鋼生地表面から１０μｍまでの深さまでの鋼領域に存在する、結晶粒界に存在する酸化物とＭｎ、Ｓｉを合計量で１ａｔ％以上含む結晶粒内に存在する酸化物の占める割合が、この鋼領域に占める平均面積割合として３％以上で１０％未満とした請求項１５に記載の異材接合体。

[請求項19] 前記異材接合体の十字引張試験片により測定された剥離強度が２ｋＮ以上である請求項１５に記載の異材接合体。

[請求項20] 前記異材接合体が自動車の車体構造用である請求項１５に記載の異

材接合体。

[請求項21] 鋼材とアルミニウム合金材との異材接合方法であって、互いに溶接される箇所の厚みを３mm以下とし、接合する鋼材を、質量%で、Ｃ：０．０１～０．３０%、Ｓｉ：０．１～３．００%、Ｍｎ：０．１～３．００%を各々含有し、Ｐ：０．１０%以下（０%を含む）、Ｓ：０．０５%以下（０%を含む）、Ｎ：３００ｐｐｍ以下（０%を含む）に各々規制した鋼材とするとともに、この鋼材表面上に存在する外部酸化物層を、Ｍｎ、Ｓｉを合計量で１ａｔ%以上含む酸化物の占める割合が、鋼生地と外部酸化物層との界面の略水平方向の長さ１μmに対して占めるこの酸化物の合計長さの平均割合として、５０～８０%である組成と予めする一方で、接合するアルミニウム合金材を、質量%で、Ｍｇ：０．１～３．０%、Ｓｉ：０．１～２．５%、Ｃｕ：０．００１～１．０%を各々含有し、更に、Ｌｉ：０．０１～０．５%、Ｍｎ：０．１～０．５%の１種または２種を含有させた６０００系アルミニウム合金とし、これら鋼材とアルミニウム合金材とを、異材接合体の前記アルミニウム合金材側の接合界面におけるＦｅの含有量が２．０質量%以下になるようにスポット溶接又はスポット摩擦攪拌接合し、異材接合体の接合界面にＦｅとＡｌとの反応層を形成して、鋼材とアルミニウム合金材とを互いに接合させ、この異材接合体の十字引張試験片により測定された剥離強度を２ｋＮ以上とすることを特徴とする鋼材とアルミニウム合金材との異材接合方法。

[請求項22] 前記スポット溶接箇所毎の条件として、電極間加圧力２．０～３．０ｋＮにて、１０～３５ｋＡの電極間電流を、接合されるアルミニウム合金材部分の厚みｔmmとの関係で、２００×ｔｍｓｅｃ以下の時間通電する請求項２１に記載の異材接合方法。

[請求項23] 前記スポット溶接箇所毎の条件として、前記鋼材とアルミニウム合金材との接合界面に形成された前記ＦｅとＡｌとの反応層のナゲット深さ方向の平均厚みを０．１～３μmの範囲とするとともに、前記Ｆ

ｅとＡｌとの反応層の形成範囲が、スポット溶接接合面積の７０％以上の面積とした請求項２１に記載の異材接合方法。

[請求項24] 前記接合する鋼材の鋼生地表面から１０μｍまでの深さまでの鋼領域に存在する、結晶粒界に存在する酸化物とＭｎ、Ｓｉを合計量で１ａｔ％以上含む結晶粒内に存在する酸化物の占める割合が、この鋼領域に占める平均面積割合として３％以上で１０％未満とした請求項２１に記載の異材接合方法。

APPENDIX C

English-Language Translation of International Preliminary Report on Patentability and Written Opinion Issued by the International Bureau in PCT/JP2009/058160 on January 20, 2011 and Statement that Translation Is Accurate

PATENT COOPERATION TREATY

PCT/JP2009/058160

1014

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:

TANAKA, Mitsuo
AOYAMA & PARTNERS, IMP Building, 3-7, Shiromi
1-chome, Chuo-ku, Osaka-shi, Osaka
5400001
JAPON

Date of mailing *(day/month/year)* 20 January 2011 (20.01.2011)	
Applicant's or agent's file reference 669059	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2009/058160	International filing date *(day/month/year)* 24 April 2009 (24.04.2009)
Applicant KABUSHIKI KAISHA KOBE SEIKO SHO 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, 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 669059	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/058160	International filing date *(day/month/year)* 24 April 2009 (24.04.2009)	Priority date *(day/month/year)* 13 June 2008 (13.06.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KABUSHIKI KAISHA KOBE SEIKO SHO		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☒	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 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)*
Applicant's or agent's file reference 669059	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/058160	24.04.2009	13.06.2008

International Patent Classification (IPC) or both national classification and IPC

Applicant
KABUSHIKI KAISHA KOBE SEIKO SHO

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
- [x] 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/JP2009/058160

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/JP2009/058160

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 "special technical feature" of the invention as in claims 1 to 7 and 15 to 24 is a steel material for dissimilar metal joining which has a specific composition and in which the amount of outer oxides on the surface of the steel material is limited to below a specific level in order to enhance the joint strength between the steel material and a 6000-series aluminum alloy, whereas the "special technical feature" of the inventions as in claim 8 to 14 is a steel material for dissimilar metal joining which has a specific composition and in which outer oxides in an amount equal to or above a specific level are positively made to exist on the surface of the steel material in order to enhance the joint strength between the steel material and a 5000- or 7000-series aluminum alloy.

(see Supplemental Box)

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/JP2009/058160

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:

Document 1: JP 2006-336070 A (Kobe Steel, Ltd.), 14 December 2006, entire text & US 2006/0275623 A1 & EP 1728578 A1 & KR 10-2006-0125584 A

Document 2: WO 2007/097378 A1 (Kobe Steel, Ltd.), 30 August 2007, entire text & US 2009/0011269 A1 & EP 1987904 A1 & KR 10-2008-0089501 A

The invention as in claims 1 to 24 is not disclosed in any of the documents cited in the ISR and therefore is novel.

In particular, none of the documents discloses the feature of a steel material for dissimilar metal joining to a 6000-series aluminum alloy, wherein the composition of the steel material satisfies specified compositional ranges, and the total areal proportion of oxide present at the grain boundary and oxide present in crystal grains that contain Mn and Si at 1 atomic % or higher in total, which are oxides present in a steel region up to a depth

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

of 20μm from the surface of the base steel material, is made to be not less than 5% but less than 20% and the proportion of outer oxide that contains a total of 1 atomic % or higher of Mn and Si which is present at the surface of the steel material is made to be not less than 0.1% but less than 50% in terms of the average proportion of the total length of this oxide relative to a 1μm length of the interface between the base steel material and the outer oxide layer in the horizontal direction in order to inhibit dispersion of Fe and Al when spot welding a steel material and an aluminum alloy material, thereby inhibiting the formation of a brittle Al-Fe-based intermetallic compound layer and in order to make the joint strength of a joined body of dissimilar metals 2kN or higher.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: Box IV

There is no technical relationship among these inventions involving one or more identical or corresponding special technical features, and the inventions are therefore not found to be so linked as to form a single general inventive concept.

Supplemental Box

C22C38/00(2006.01)i, B23K11/20(2006.01)i,
B23K20/12(2006.01)i, B23K20/227(2006.01)i,
C22C21/02(2006.01)i, C22C21/06(2006.01)i,
B23K103/20(2006.01)n, C22C38/04(2006.01)n,
C22C38/60(2006.01)n

Attorney Docket: 372319US99PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mikako TAKEDA et al.

Serial No.: 12/997,801

Filed: December 13, 2010

For: STEEL MATERIAL FOR DISSIMILAR METAL JOINING, JOINED BODY OF DISSIMILAR METALS AND PROCESS FOR JOINING DISSIMILAR METAL MATERIALS

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VERIFICATION OF ENGLISH TRANSLATION

I, Atsushi Maeda, of c/o AOYAMA & PARTNERS, located at IMP Building, 1-3-7, Shiromi, Chuo-ku, Osaka 540-0001 Japan, hereby declare as follows:

(1) I am fluent in both the Japanese and English languages;

(2) I have read both the translation of the claims of the International Application No. PCT/JP2009/058160 filed on April 24, 2009, from Japanese to English and the original Japanese text; and

(3) The English translation of the claims is a true and correct translation of the claims of the International Application No. PCT/JP2009/058160 filed on April 24, 2009, to the best of my knowledge.

Date: Feb. 4, 2011 Signature: Atsushi Maeda
Atsushi MAEDA

APPENDIX D

English-Language Translation of Claims of PCT/JP2009/058160 Indicated to Have Novelty, Inventive Step, and Industrial Applicability and Statement that Translation Is Accurate

CLAIMS

1. A steel material for dissimilar metal joining with a 6000 series aluminum alloy material, wherein

a composition of the steel material contains C: 0.01 to 0.30%, Si: 0.1 to 3.00%, and Mn: 0.1 to 3.00% as expressed by mass%, respectively, and P is regulated at 0.10% or less (including 0%), S is regulated at 0.05% or less (including 0%), and N is regulated at 300 ppm or less (including 0%), respectively,

a ratio of an oxide present in a grain boundary and an oxide present in grains containing Mn and Si at a total amount of 1 at% or more, as oxides present in a steel region at a depth from a steel body surface of the steel material to 20 μm, is 5% or more and less than 20% as an average area ratio occupied in the steel region, and

a ratio occupied by an outer oxide containing Mn and Si at a total amount of 1 at% or more, which is present on the steel material surface, is 0.1% or more and less than 50% as an average ratio of a total length of the oxide occupied for a length of 1 μm in a substantially horizontal direction of an interface between a steel body and an outer oxide layer.

2. A joined body of dissimilar metals which is produced by joining the steel material and the aluminum alloy material as defined in claim 1, wherein

the aluminum alloy material includes a 6000 series aluminum alloy containing Mg: 0.1 to 3.0%, Si: 0.1 to 2.5%, and Cu: 0.001 to 1.0% as expressed by mass%, respectively,

a content of Fe at a joint interface on a side of the aluminum alloy material of the joined body of dissimilar metals is 2.0% by mass or less, and

a reaction layer of Fe and Al is formed at the joint interface.

3. The joined body of dissimilar metals according to claim 2, wherein

the joined body of dissimilar metals is spot-welded, and as a condition for every spot welding place,

an average thickness in a nugget depth direction of the reaction layer of Fe and Al formed at the joint interface between the steel material and the aluminum alloy material is in a range of 0.1 to 3 μm, and

a formation range of the reaction layer of Fe and Al is an area of 70% or more of a spot welding area.

4. The joined body of dissimilar metals according to claim 2, wherein the joined body of dissimilar metals has a peeling strength measured by a cross tensile test piece of 2 kN or more.

5. The joined body of dissimilar metals according to claim 2, the joined body of dissimilar metals is for a vehicle body structure of an automobile.

6. A process for joining dissimilar metal materials between a steel material and an aluminum alloy material, comprising

spot-welding or friction spot-joining (friction stirring-joining) the steel material as defined in claim 1, and an aluminum alloy material including a 6000 series aluminum alloy containing Mg: 0.1 to 3.0%, Si: 0.1 to 2.5%, and Cu: 0.001 to 1.0% as expressed by mass%, respectively.

7. The process for joining dissimilar metal materials according to claim 6, wherein as a condition for every joining place between the steel material and the aluminum alloy material, an interelectrode current of 10 to 35 kA is applied at an interelectrode pressure of 2.0 to 3.0 kN for a time of 200×tmsec or shorter in a relationship with a thickness t mm of an aluminum alloy material part to be welded, thereby, the steel material and the aluminum alloy material are spot-welded.

8. A steel material for dissimilar metal joining with a 5000 series or 7000 series aluminum alloy material, wherein

a composition of the steel material contains C: 0.01 to 0.30%, Si: 0.1 to 3.00%, and Mn: 0.1 to 3.00% as expressed by mass%, respectively, and P is regulated at 0.10% or less (including 0%), S is regulated at 0.05% or less (including 0%), and N is regulated at 300 ppm (including 0%), respectively, and

a ratio occupied by an outer oxide containing Mn and Si at a total amount of 1 at% or more, which is present on the steel material surface, is 80 to 100% as an average ratio of a total length of the oxide occupied for a length of 1 μm in a substantially horizontal direction of an interface between a steel body and an outer oxide layer.

9. A joined body of dissimilar metals which is produced by joining the steel material and the aluminum alloy material as defined in claim 8, wherein

the aluminum alloy material includes a 5000 series or 7000 series aluminum alloy containing Mg: 1.0% or more as expressed by mass%,

a content of Fe at a joint interface on a side of the aluminum alloy material of the joined body of dissimilar metals is 2.0% by mass or less, and

a reaction layer of Fe and Al is formed at the joint interface.

10. The joined body of dissimilar metals according to claim 9, wherein

the joined body of dissimilar metals is spot-welded, and as a condition for every spot welding place,

an average thickness in a nugget depth direction of the reaction layer of Fe and Al formed at the joint interface between the steel material and the aluminum alloy material is in a range of 0.1 to 3 μm, and

a formation range of the reaction layer of Fe and Al is an area of 70% or more of a spot welding area.

11. The joined body of dissimilar metals according to claim 9, wherein the joined body of dissimilar metals has a peeling strength measured by a cross tensile test piece of 2 kN or more.

12. The joined body of dissimilar metals according to claim 9, which is for a vehicle body structure of an automobile.

13. A process for joining dissimilar metal materials between a steel material and an aluminum alloy material, comprising

spot-welding or friction spot-joining (friction stirring-joining) the steel material as defined in claim 8, and an aluminum alloy material including a 5000 series or 7000

series aluminum alloy containing Mg: 1.0% or more as expressed by mass%.

14. The process for joining dissimilar metal materials according to claim 13, wherein as a condition for every joining place between the steel material and the aluminum alloy material, an interelectrode current of 10 to 35 kA is applied at an interelectrode pressure of 2.0 to 3.0 kN for a time of 200×tmsec or shorter in a relationship with a thickness t mm of an aluminum alloy material part to be welded, thereby, the steel material and the aluminum alloy material are spot-welded.

15. A joined body of dissimilar metals which is produced by joining a steel material and an aluminum alloy material, wherein

the steel material to be joined is a steel material containing C: 0.01 to 0.30%, Si: 0.1 to 3.00%, and Mn: 0.1 to 3.00% as expressed by mass%, respectively, and having regulation of P: 0.10% or less (including 0%), S: 0.05% or less (including 0%), and N: 300 ppm or less (including 0%), respectively,

the aluminum alloy material to be joined is a 6000 series aluminum alloy containing Mg: 0.1 to 3.0%, Si: 0.1 to 2.5%, and Cu: 0.001 to 1.0%, respectively, and further containing one or two kinds of Li: 0.01 to 0.5%, and Mn: 0.1 to 0.5%,

a content of Fe at a joint interface on a side of the aluminum alloy material of the joined body of dissimilar metals is 2.0% by mass or less, and

a reaction layer of Fe and Al is formed at the joint interface of the joined body of dissimilar metals.

16. The joined body of dissimilar materials according to claim 15, wherein

the joined body of dissimilar metals is spot-welded, and

as a condition for every spot welding place,

an average thickness in a nugget depth direction of the reaction layer of Fe and Al formed at the joint interface between the steel material and the aluminum alloy material is in a range of 0.1 to 3 μm, and

a formation range of the reaction layer of Fe and Al is an area of 70% or more of a spot welding area.

17. The joined body of dissimilar materials according to claim 15, wherein an outer oxide layer present on the steel material surface to be joined has a composition in which a ratio occupied by an oxide containing Mn and Si at a total amount of 1 at% or more is 50 to 80%, as an average ratio of a total length of the oxide occupied for a length of 1 μm in a substantially horizontal direction of an interface between a steel body and an outer oxide layer.

18. The joined body of dissimilar metals according to claim 15, wherein a ratio occupied by an oxide present in a grain boundary and an oxide present in grains containing Mn and Si at a total amount of 1 at% or more, which are present in a steel region at a depth from a steel body surface of the steel material to be welded to 10μm is 3% or more and less than 10% as an average area ratio occupied in the steel region.

19. The joined body of dissimilar metals according to claim 15, wherein the joined body of dissimilar metals has a peeling strength measured by a cross tensile test piece of 2 kN or more.

20. The joined body of dissimilar metals according to claim 15, which is for a vehicle body structure of an automobile.

21. A process for joining dissimilar metal materials between a steel material and an aluminum alloy material, wherein

a thickness of a place where both are mutually welded is 3 mm or less,

the steel material to be joined is a steel material containing C: 0.01 to 0.30%, Si: 0.1 to 3.00%, and Mn: 0.1 to 3.00% as expressed by mass%, respectively, and having regulation of P: 0.10% or less (including 0%), S: 0.05% or less

(including 0%) and N: 300 ppm or less (including 0%), respectively,

an outer oxide layer present on the steel material surface is made to have, in advance, a composition in which a ratio occupied by an oxide containing Mn and Si at a total amount of 1 at% or more is 50 to 80%, as an average ratio of a total length of the oxide occupied for a length of 1 μm in a substantially horizontal direction of an interface between a steel body and an outer oxide layer,

the aluminum alloy material to be joined is a 6000 series aluminum alloy containing Mg: 0.1 to 3.0%, Si: 0.1 to 2.5%, and Cu: 0.001 to 1.0% as expressed by mass%, respectively, and further containing one or two kinds of Li: 0.001 to 0.5%, and Mn: 0.1 to 0.5%,

the steel material and the aluminum alloy material are spot-welded or spot friction stirring-joined so that a content of Fe at a joint interface on a side of the aluminum alloy material of a joined body of dissimilar metals is 2.0% by mass or less,

a reaction layer of Fe and Al is formed at the joint interface of the joined body of dissimilar metals,

the steel material and the aluminum alloy material are mutually joined, and

the joined body of dissimilar metals has a peeling strength measured by a cross tensile test piece of 2 kN or more.

22. The process for joining dissimilar metal materials according to claim 21, wherein as a condition for every spot welding place, an interelectrode current of 10 to 35 kA is applied at an interelectrode pressure of 2.0 to 3.0 kN for a time of 200 × tmsec or shorter in a relationship with a thickness t mm of an aluminum alloy material part.

23. The process for joining dissimilar metal materials according to claim 21, wherein

as a condition for every spot welding place,

an average thickness in a nugget depth direction of the reaction layer of Fe and Al formed at the joint interface between the steel material and the aluminum alloy material is in a range of 0.1 to 3 μm, and

a formation range of the reaction layer of Fe and Al is an area of 70% or more of a spot welding joining area.

24. The process for joining dissimilar metal materials according to claim 21, wherein a ratio occupied by an oxide present in a grain boundary and an oxide in grains containing Mn and Si at a total amount of 1 at% or more, which are present in a steel region at a depth from a steel body surface of the steel material to be welded to 10 μm, is 3% or more and less than 10% as an average area ratio occupied in the steel region.

Attorney Docket: 372319US99PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mikako TAKEDA et al.

Serial No.: 12/997,801

Filed: December 13, 2010

For: STEEL MATERIAL FOR DISSIMILAR METAL JOINING, JOINED BODY OF DISSIMILAR METALS AND PROCESS FOR JOINING DISSIMILAR METAL MATERIALS

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VERIFICATION OF ENGLISH TRANSLATION

I, Atsushi Maeda, of c/o AOYAMA & PARTNERS, located at IMP Building, 1-3-7, Shiromi, Chuo-ku, Osaka 540-0001 Japan, hereby declare as follows:

(1) I am fluent in both the Japanese and English languages;

(2) I have read both the translation of the claims of the International Application No. PCT/JP2009/058160 filed on April 24, 2009, from Japanese to English and the original Japanese text; and

(3) The English translation of the claims is a true and correct translation of the claims of the International Application No. PCT/JP2009/058160 filed on April 24, 2009, to the best of my knowledge.

Date: Feb. 4, 2011 Signature: Atsushi Maeda
Atsushi MAEDA

APPENDIX E

Claims Correspondence Table

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/997,801
Attorney Docket No. 372319US99PCT

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.
Claim 5	Claim 5	Claim 5 of the US application is substantively identical to claim 5 of the PCT application.
Claim 6	Claim 6	Claim 6 of the US application is substantively identical to claim 6 of the PCT application.
Claim 7	Claim 7	Claim 7 of the US application is substantively identical to claim 7 of the PCT application.
Claim 8	Claim 8	Claim 8 of the US application is substantively identical to claim 8 of the PCT application.
Claim 9	Claim 9	Claim 9 of the US application is substantively identical to claim 9 of the PCT application.
Claim 10	Claim 10	Claim 10 of the US application is substantively identical to claim 10 of the PCT application.
Claim 11	Claim 11	Claim 11 of the US application is substantively identical to claim 11 of the PCT application.
Claim 12	Claim 12	Claim 12 of the US application is substantively identical to claim 12 of the PCT application.
Claim 13	Claim 13	Claim 13 of the US application is substantively identical to claim 13 of the PCT application.
Claim 14	Claim 14	Claim 14 of the US application is substantively identical to claim 14 of the PCT application.
Claim 15	Claim 15	Claim 15 of the US application is substantively identical to claim 15 of the PCT application.
Claim 16	Claim 16	Claim 16 of the US application is substantively identical to claim 16 of the PCT application.

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/997,801
Attorney Docket No. 372319US99PCT

CLAIMS CORRESPONDENCE TABLE

Claims in US Application	Patentable Claims in PCT Application	Explanation regarding the correspondence
Claim 17	Claim 17	Claim 17 of the US application is substantively identical to claim 17 of the PCT application.
Claim 18	Claim 18	Claim 18 of the US application is substantively identical to claim 18 of the PCT application.
Claim 19	Claim 19	Claim 19 of the US application is substantively identical to claim 19 of the PCT application.
Claim 20	Claim 20	Claim 20 of the US application is substantively identical to claim 20 of the PCT application.
Claim 21	Claim 21	Claim 21 of the US application is substantively identical to claim 21 of the PCT application.
Claim 22	Claim 22	Claim 22 of the US application is substantively identical to claim 22 of the PCT application.
Claim 23	Claim 23	Claim 23 of the US application is substantively identical to claim 23 of the PCT application.
Claim 24	Claim 24	Claim 24 of the US application is substantively identical to claim 24 of the PCT application.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,801	12/13/2010	Mikako Takeda	372319US99PCT	9102

22850 7590 06/01/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
CREEHAN, ROBERT DENNIS

ART UNIT	PAPER NUMBER
1784	

NOTIFICATION DATE	DELIVERY MODE
06/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CT

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
Mikako Takeda	:	PARTICIPATE IN PATENT
Serial No. 12/997,801	:	PROSECUTION HIGHWAY
Filed: December 13, 2010	:	PROGRAM AND
For: STEEL MATERIAL FOR	:	PETITION TO MAKE SPECIAL
DISSIMILAR METAL JOINING	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed April 12, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

22850
OBLON, SPIVAK, MACCLELLAND MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

MAILED

OCT 11 2011

PCT LEGAL ADMINISTRATION

In re Application of
MIJOLOVIC *et al*
U.S. Application No.: 12/997,805
PCT No.: PCT/EP2009/057133
Int. Filing Date: 10 June 2009
Priority Date: 16 June 2007
Docket No.: 372292US99PCT
For: USE OF A C11 DIOL OR C11 DIOL MIXTURE FOR PRODUCING POLYMERS

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 19 August 2011.

BACKGROUND

On 13 December 2010, applicants filed papers using the USPTO EFS-Web system as the national stage of "PCT/EP07/57133." All other papers filed identified the PCT number as PCT/EP2009/057133.

On 23 February 2011, United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt. Both forms recorded the international application number as PCT/EP2007/057133.

On 03 August 2011, a communication was mailed requesting clarification on the proper international application number. The Form PCT/DO/EO/903 and filing receipt mailed 23 February 2011 were both vacated.

On 19 August 2011, applicants filed the subject petition under 37 CFR 1.182 to change the international application number to PCT/EP2009/057133.

DISCUSSION

Applicants' petition under 37 CFR 1.182 to correct the PCT number in the above-captioned national stage application to PCT/EP2009/057133.

The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was designated when filing the application electronically using the USPTO EFS-Web. The application was filed as the national stage of PCT/EP2007/057133; however, applicants included a transmittal letter, ADS, international papers, and declaration identifying the international application as PCT/EP2009/057133. WIPO records show that the name of the inventors, the title, and the international filing date correspond to PCT/EP2009/057133. Applicants state in the petition that the correct international application number is PCT/EP2009/057133.

It is clear that the subject application was intended to be filed as the national stage of PCT/EP2009/057133 but for a clerical error upon filing.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/EP2009/057133.

This application is being forwarded to the DO/EO/US for the mailing of a corrected Form PCT/DO/EO/903 and filing receipt indicating that the above-captioned application is the national stage of PCT/EP2009/057133.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 13 2011

PCT LEGAL ADMINISTRATION

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of
PETIT, Dominique, et al.
Application No.: 12/997,840
PCT No.: PCT/FR2009/000704
Int. Filing Date: 12 June 2009
Priority Date: 13 June 2008
Docket No.: 4384-000167/US/NP
For: DEVICE FOR ESTABLISHING AN ANATOMICAL REFERENCE POINT OF AN INTERVERTEBRAL DISC

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 12 July 2011.

BACKGROUND

On 12 January 2011, 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 12 July 2011, applicants filed this petition under 37 CFR 1.47(a) and the fee for a four month extension of time.

On 21 July 2011, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) to the address associated with customer number 34704.

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) and (4) have been satisfied. The petition fee has been paid. The declaration is executed by the signing inventors on behalf on the non-signing inventors.

As to item (3), the address listed for the inventor is a business addresses. The addresses provided are supposed to be the last known residential addresses. MPEP 605.03.

As applicants have not yet furnished a declaration in compliance with 37 CFR 1.497(a)-(b), the Notification of Acceptance, mailed 21 July 2011, issued in error. Further, the address change was not authorized, as the declaration is not executed by all inventors nor was the petition under 37 CFR 1.47 grantable.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 21 July 2011 is **VACATED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available.

Any 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

cc: Bachman & La Pointe, PC
900 Chapel Street
New Haven, CT 06510

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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DEKEL PATENT LTD., DAVID KLEIN
BEIT HAROF'IM
18 MENUHA VENAHALA STREET, ROOM 27
REHOVOT 76209
ISRAEL

MAILED

FEB 11 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
KRAUSZ, Eliezer, et al.	:	
Application No.: 12/997,880	:	DECISION
PCT No.: PCT/IL2009/000483	:	
Int. Filing Date: 13 May 2009	:	ON PETITION UNDER
Priority Date: 14 May 2008	:	
Docket No.: 1922KRS-US	:	37 CFR 1.137(b)
For: PIPE CLAMP WITH SELF-ALIGNING	:	
MECHANISM WHILE CLOSING OF	:	
SAME	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 14 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 basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

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

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: TMP-057	Application Number (if known): 12/997,912	Filing date: December 14, 2010

First Named Inventor: Kazuhisa TSUTSUMI et al.

Title: WIND TURBINE GENERATOR

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Kenneth M. Berner/	Date November 16, 2011
Name (Print/Typed) Kenneth M. Berner	Registration Number 37,093

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,912	02/15/2011	Kazuhisa Tsutsumi	TMP-057	1139

32628 7590 12/21/2011
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER
MAKIYA, DAVID J

ART UNIT	PAPER NUMBER
2885	

MAIL DATE	DELIVERY MODE
12/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

DEC 21 2011

In re Application of	:	
TSUTSUMI et al.	:	DECISION ON PETITION
Application No. 12/997,912	:	TO MAKE SPECIAL UNDER
Filed: December 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. TMP-057	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 16, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action on the merits commensurate with this decision.

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

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:	12/997,916	Filing date:	December 14, 2010
First Named Inventor:	Kazunori Ohta		
Title of the Invention:	HIGH-PRESSURE DISCHARGE LAMP, LAMP UNIT, AND IMAGE DISPLAY 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/JP2010/003678

The international date of the corresponding PCT application(s) is/are: June 2, 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

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/997,916
First Named Inventor:	Kazunori Ohta

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 14, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on December 14, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claims are substantially the same
2	2	Claims are substantially the same
3	3	Claims are substantially the same
4	4	Claims are substantially the same
5	5	Claims are substantially the same
6	6	Claims are substantially the same
7	7	Claims are substantially the same
8	8	Claims are substantially the same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date September 9, 2011
Name (Print/Typed) Joseph W. Price	Registration Number 25124

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,916	12/14/2010	Kazunori Ohta	12478-0800	1158

52044 7590 11/15/2011
SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/15/2011	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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SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

In re Application of	**: DECISION ON REQUEST TO**
OHTA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/997,916	**: PROSECUTION HIGHWAY**
Filed: December 14, 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 12478-0800	**: 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 September 9, 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 (3-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (2).

Regarding the requirement of condition (2), while it is clear at least one claim in the PCT application has novelty, inventive step, and industrial applicability, applicant has failed to identify and explain why the claim(s) is/are not subject to the observation in Box VIII. In this case Box VIII has an observation on the clarity of Claim 1; the language referred to therein remains in claim 1 in the US application and no explanation can be found as to why the claim should not be subject to this observation.

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Colleen Dunn/
Colleen Dunn
TQAS, TC 2800

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600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Application of
Kazunori Ohta et al
Application No.: 12/997,916
Filed: December 14, 2010
Attorney Docket No.: 12478-0800
For: HIGH-PRESSURE DISCHARGE LAMP, LAMP UNIT, AND IMAGE DISPLAY APPARATUS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 9, 2011 and renewed on December 14, 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 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.

David Bucci
Petition Examiner
Office of Petitions

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CANTOR COLBURN LLP - CARRIER
20 CHURCH STREET, 22ND FLOOR
HARTFORD, CT 06103

MAILED
JAN 10 2011
PCT LEGAL ADMINISTRATION

In re Application of TARAS et al :
U.S. Application No.: 12/997,938 :
PCT Application No.: PCT/US2007/026044 :
Int. Filing Date: 20 December 2007 : DECISION
Priority Date Claimed: none :
Attorney Docket No.: PA-0001766-US :
For: REFRIGERANT SYSTEM AND METHOD :
OF OPERATING THE SAME :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 14 December 2010.

BACKGROUND

On 20 December 2007, applicant filed international application PCT/US2007/026044. The thirty-month period for paying the basic national fee in the United States expired on 21 June 2010.

On 22 June 2010, international application PCT/US2007/026044 became abandoned as to the United States for failure to timely pay the basic national fee.

On 14 December 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 20 December 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 December 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Winstead PC
P.O. Box 50784
Dallas TX 75201

MAILED

OCT 31 2011

PCT LEGAL ADMINISTRATION

In re Application of:
PENDERGAST, Patrick
Application no.: 12/997,952
Filing Date: February 15, 2011
Attorney Docket No.: 51026-P067WOUS
For: ANTI-TUMOUR COMPOSITIONS AND METHODS

DECISION

This decision is issued in response to applicant's "Request for Corrected Filing Receipt" filed in the United States Patent and Trademark Office (USPTO) on 04 April 2011, which is being treated as a Petition under 37 CFR 1.181. No petition fee is required.

The above-identified application received an Official Filing Receipt which indicated, "[t]his application is 371 of PCT/EP2009/057617 (filed) 6/18/2009 which claims benefit of 61/132,385 (filed) 6/18/2008."

Applicant states in the present petition that the filing date of U.S. provisional application no. 61/132,385 is July 18, 2008, not June 18, 2008. However, a review of the United States Patent of Trademark Office record reveals that the filing date of U.S. provisional application no. 61/132,385 is June 18, 2008; the date set forth on the Official Filing Receipt.

Accordingly, applicant's request for corrected filing receipt under 37 CFR 1.181 is **DISMISSED** without prejudice.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Facsimile: 571-273-0459

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COMMISSIONER FOR PATENTS
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DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303-2248

MAILED
JUN 17 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Evans et al	:	
Application No.: 12/997,981	:	
PCT No.: PCT/AU2009/000765	:	PETITION
Int. Filing Date: 16 June 2009	:	
Priority Date: 16 June 2008	:	
Attorney's Docket No.: 340512-991100	:	
For: Linearly Adjustable Device	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION UNDER 37 CFR 1.182" filed on 18 April 2011 to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/AU2009/000765. The petition fee of $400.00 has been charged to petitioner's deposit account no.: 07-1896.

BACKGROUND

In a communication from this Office on 24 March 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 18 April 2011, petitioner filed a petition under 37 CRF 1.182 stating that at the time of filing the application, the PCT serial number was incorrectly entered as PCT/US09/00765 during filing via electronic EFS-Web.

DISCUSSION

Petitioner states that the PCT number was incorrectly entered as PCT/US09/00765 rather than the correct number PCT/AU2009/000765.

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/AU2009/000765** was placed on the transmittal letter, ADS, and on the executed declaration. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/AU2009/000765.

Therefore, the petition to accept the correct PCT number of **PCT/AU2009/000765** for the instant application is granted, and will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/997,981	12/14/2010	Chad Arthur Evans	340512-991100	1752

26379 7590 08/01/2011
DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303-2248

EXAMINER

ART UNIT	PAPER NUMBER
3738	

NOTIFICATION DATE	DELIVERY MODE
08/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PatentDocketingUS-PaloAlto@dlapiper.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303-2248

In re Application of: EVANS, CHAD ARTHUR Serial No.: 12/997981 Filed: December 14, 2010 Attorney Docket No. : 340512-991100 Title: LINEARLY ADJUSTABLE 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 July 25, 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 IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU 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 IPAU 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 IPAU 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 IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

PTO/SB/20PCT-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:	12/997,984	Filing date:	02-16-2011
First Named Inventor:	Ronaldo J. Santiago		
Title of the Invention:	SOFT-OPENING HINGE AND HEADPHONE INCLUDING 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: US09/048256

The international date of the corresponding PCT application(s) is/are:

06-23-2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the 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.:	12/997,984
First Named Inventor:	Ronaldo J. Santiago

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 02-16-2011

(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 02-16-2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-26	1-26	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 K	Date	March 30, 2011
Name (Print/Typed)	Mark G. Knedeisen	Registration Number	42,747

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAIL

APR 26 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of	:	
SANTIAGO, RONALDO J., et al.	:	DECISION ON REQUEST TO
Application No. 12/997,984	:	PARTICIPATE IN PATENT
Filed: December 14, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **080187PCTUS**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the 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 **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 Ken 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 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.

/ Kenneth A. Wieder /

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

MAILED
MAR 07 2011
PCT LEGAL ADMINISTRATION

In re Application of :
HAFKER, et al. :
U.S. Application No.: 12/997,997 :
PCT No.: PCT/EP2009/004547 (as corrected) :
Int. Filing Date: 24 June 2009 :
Priority Date: 26 June 2008 :
Attorney Docket No.: 048141.054 :
For: METHOD AND DEVICE FOR THE :
PRODUCTION OF PACKAGES :

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Petition to Correct Transmittal Letter" filed 17 February 2011 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.182 to excuse applicant's error upon filing. Applicant has provided payment of the required $400 petition fee.

BACKGROUND

On 10 February 2011, applicant was mailed a communication indicating that there was a discrepancy between the international application number keyed in during the electronic filing of the present application and the international application number listed on the filed papers. Applicant was afforded two months to file a petition under 37 CFR1.182 to rectify the discrepancy.

On 17 February 2011, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/EP2009/004547. An examination of the originally filed papers finds that the correct international application number was listed on the declaration and preliminary amendment filed 14 December 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 14 December 2010 and to permit such materials to be treated as having been directed to international application PCT/EP2009/004547.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office for further processing of the application as the U.S. National stage entry of international application PCT/EP2009/004547.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON TX 77057

MAILED
MAY 02 2011
OFFICE OF PETITIONS

In re Application of	:	
REAUX	:	
Application No. 12/998,006	:	DECISION ON PETITION
Filed: March 8, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. REAUX-001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 8, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney John B. DeBoer, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3600.

The application is being forwarded to Technology Center Art Unit 3672 for action on the merits commensurate with this decision.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12998037	Confirmation Number	4599	Filing Date	2011-03-11
Attorney Docket Number (optional)		Art Unit	3672	Examiner	Armstrong, Kyle
First Named Inventor	William Kingston				
Title of Invention	Tideway anchor system				

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
William	Valentine	Kingston	

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	/William Kingston/	Date (YYYY-MM-DD)	2011-09-19
Name	William Kingston		

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
William Kingston

Application No. 12998037

Filed: March 11,2011

Attorney Docket No.

:
:
: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 19-SEP-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

JUL 15 2011

PCT LEGAL ADMINISTRATION

Tomohiro Tsuta
29-8, Suganodai 7- chome, Suma-ku, Kobe-shi
Hyogo 65401-43 JP JAPAN

In re Application of TSUTA	:	
Application No.: 12/998,053	:	
PCT No.: PCT/JP09/064797	:	DECISION ON
Int. Filing: 25 August 2009	:	
Priority Date: 16 September 2008	:	PETITION TO REVIVE
Attorney Docket No.: none	:	
For: MACULAR REGION VISUAL DEFECT INDEX CALCULATION APPARATUS	:	UNDER 37 CFR 1.137(b)

This is a decision on applicant's petition to revive under 37 CFR 1.137(b) filed on 20 June 2011 in the United States Patent and Trademark Office (USPTO) in the above-captioned application.

BACKGROUND

On 25 August 2009, applicant filed international application PCT/JP09/64797 claiming a priority date of 16 September 2008. The thirty month period within which to file a national stage application expired at midnight 16 March 2011.

On 14 March 2011, prior to the expiration of the thirty month period, applicant filed a request for U.S. National Stage entry for International Application PCT/JP09/64797 along with payment of the basic national fee and an executed declaration.

Thereafter, on 29 March 2011, a Notification of Missing Requirements was mailed indicating that translation of the international application to English, the processing fee for filing the English translation and the surcharge for filing the declaration after the thirty month period was required. The notice provided applicant with a two month period within which to respond with extensions of time available under 37 CFR 1.136(a).

On 20 June 2011, within the two month time period to respond, applicant filed a response

to the Notification of Missing Requirements with an English translation of the international application, processing fee and surcharge fee along with petition to revive under 37 CFR 1.137(b).

DISCUSSION

The Notification of Missing Requirements incorrectly indicated that the surcharge for filing the declaration after the thirty month period was required. The executed declaration was filed on 14 March 2011 prior to the expiration of the thirty month period; therefore ,the surcharge ($65) is not required and will be refunded.

A review of the application file reveals that applicant filed a response to the Notification of Missing Requirements within the two month period set forth in the notice. Therefore, the application is not abandoned and there is no need for a petition to revive. The petition to revive will be dismissed as moot. The petition of $810 will be refunded to applicant.

A closer review of the declaration filed on 14 March 2011 reveals that it is executed by the sole inventor and meets the requirements of 37 CFR 1.497(a) and (b). An English translation of the international application and the processing fee were provided.

CONCLUSION

Applicant's petition to revive the abandoned application is **DISMISSED AS MOOT**.

The declaration filed on 14 March 2011 meets the requirements of 37 CFR 1.497(a) and (b). The English translation of the international application and the processing fee were provided.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 20 June 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

PTO/SB/20JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/998,053	Filing Date:	June 20, 2011
First Named Inventor:	Tomohiro TSUTA		
Attorney Docket No.:	151286		
Title of the Invention:	MACULAR AREA VISUAL FIELD DEFECT INDEX CALCULATION DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PPH PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The JPO/PCT application number(s) is/are: 2008-235929

The filing date of the JPO/ PCT application(s) is/are: September 16, 2008

I. List of Required Documents:

a. **A copy of the latest JPO office actions (other than "Decision to Grant a Patent"*) in the above-identified JPO application(s)**

☐ Is attached.

☒ Is not attached because the JPO application was allowed in a first office action.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s)**

☒ Is attached.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language). An accuracy statement for the English translation of the documents in a. above is not required if the English translation is a machine translation provided by the JPO.**

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on June 20, 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 June 20, 2011

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

(continued)

Application No.:	12/998,053
First Named Inventor:	Tomohiro TSUTA

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JPO Application	Explanation regarding the correspondence
1	1	Identical
2	2	Identical
3	3	Identical
4	4	Identical

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.

Signature	Date November 8, 2011
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) Tina J. Yang	Registration Number 68,838

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:

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

I. List of Required Documents

a. A copy of all JPO office actions (other than "Decision to Grant a Patent") in the JPO application(s)

- Is not attached because the JPO Application was allowed in a first Office Action.

I. List of Required Documents

b. A copy of all claims which were determined to be patentable by the JPO in the JPO application(s)

- All claims which were determined to be patentable by the JPO (in Japanese)

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最終頁に続く

(54)【発明の名称】黄斑領域視野欠損指数算出装置

(57)【特許請求の範囲】

【請求項１】

静的視標により被験者の視野を探査するための視野探査画面を出力装置に生成する視野探査画面生成手段と、

視野探査中、被験者に凝視される固視標を、前記視野探査画面生成手段により生成される視野探査画面に表示する固視標表示制御手段と、

該固視標表示制御手段により表示される固視標を取り囲む円形状の領域内を、静的視標により被験者の視野を探査する探査領域として設定する探査領域設定手段と、

該探査領域設定手段により設定される探査領域内に、複数の探査点を、等間隔に配する探査点設定手段と、

該探査点設定手段により設定された探査点に、該探査点に対応する視野を探査するための静的視標を順次表示する視標表示制御手段と、

該視標表示制御手段により静的視標の表示が行われた前記探査点の総数を計数し、記憶装置に記憶する第一計数手段と、

前記視標表示制御手段により表示される静的視標が認識されなかったことを検出する第二検出手段と、

該第二検出手段により、前記静的視標が視覚認識不可能であったことが検出された回数を、演算装置により計数し、記憶装置に記憶する第二計数手段と、

該第二計数手段により計数され、記憶装置に記憶された前記回数を、

前記第一計数手段により計数され、記憶装置に記憶された前記総数で除算することにより

、視野欠損指数を演算装置により算出する視野欠損指数算出手段と、
を備えることを特徴とし、
前記探査領域は、
主に黄斑領域の視野特性を探査しようとする観点に基づき限局して設定され、
前記視野欠損指数は、
主に黄斑領域の視野特性を探査しようとする観点からの視野欠損指数であることを特徴とする黄斑領域視野欠損指数算出装置。
【請求項２】
コンピュータを、
静的視標により被験者の視野を探査するための視野探査画面を出力装置に生成する視野探査画面生成手段と、
視野探査中、被験者に凝視される固視標を、前記視野探査画面生成手段により生成される視野探査画面に表示する固視標表示制御手段と、
該固視標表示制御手段により表示される固視標を取り囲む円形状の領域内を、静的視標により被験者の視野を探査する探査領域として設定する探査領域設定手段と、
該探査領域設定手段により設定される探査領域内に、複数の探査点を、等間隔に配する探査点設定手段と、
該探査点設定手段により設定された探査点に、該探査点に対応する視野を探査するための静的視標を順次表示する視標表示制御手段と、
該視標表示制御手段により静的視標の表示が行われた前記探査点の総数を計数し、記憶装置に記憶する第一計数手段と、
前記視標表示制御手段により表示される静的視標が認識されなかったことを検出する第二検出手段と、
該第二検出手段により、前記静的視標が視覚認識不可能であったことが検出された回数を、演算装置により計数し、記憶装置に記憶する第二計数手段と、
該第二計数手段により計数され、記憶装置に記憶された前記回数を、
前記第一計数手段により計数され、記憶装置に記憶された前記総数で除算することにより、視野欠損指数を演算装置により算出する視野欠損指数算出手段、
として機能させるプログラムであることを特徴とし、
前記探査領域は、
主に黄斑領域の視野特性を探査しようとする観点に基づき限局して設定され、
前記視野欠損指数は、
主に黄斑領域の視野特性を探査しようとする観点からの視野欠損指数であることを特徴とする。
【請求項３】
静的視標により被験者の視野を探査するための視野探査画面を出力装置に生成する視野探査画面生成手段によるステップと、
視野探査中、被験者に凝視される固視標を、前記視野探査画面生成手段によるステップにより生成される視野探査画面に表示する固視標表示制御手段によるステップと、
該固視標表示制御手段によるステップにより表示される固視標を取り囲む円形状の領域内を、
静的視標により被験者の視野を探査する探査領域として設定する探査領域設定手段によるステップと、
該探査領域設定手段によるステップにより設定される探査領域内に、複数の探査点を、等間隔に配する探査点設定手段によるステップと、
該探査点設定手段によるステップにより設定された探査点に、該探査点に対応する視野を探査するための静的視標を順次表示する視標表示制御手段によるステップと、
該視標表示制御手段によるステップにより静的視標の表示が行われた前記探査点の総数を計数し、記憶装置に記憶する第一計数手段によるステップと、
前記視標表示制御手段によるステップにより表示される静的視標が認識されなかったこ

とを検出する第二検出手段によるステップと、

該第二検出手段によるステップにより、前記静的視標が視覚認識不可能であったことが検出された回数を、演算装置により計数し、記憶装置に記憶する第二計数手段によるステップと、

該第二計数手段によるステップにより計数され、記憶装置に記憶された前記回数を、前記第一計数手段によるステップにより計数され、記憶装置に記憶された前記総数で除算することにより、視野欠損指数を演算装置により算出する視野欠損指数算出手段によるステップと、

を有することを特徴とする黄斑領域視野欠損指数算出装置の作動方法であって、

前記探査領域は、

主に黄斑領域の視野特性を探査しようとする観点に基づき限局して設定され、

前記視野欠損指数は、

主に黄斑領域の視野特性を探査しようとする観点からの視野欠損指数であることを特徴とする。

【請求項４】

コンピュータを、

静的視標により被験者の視野を探査するための視野探査画面を出力装置に生成する視野探査画面生成手段と、

視野探査中、被験者に凝視される固視標を、前記視野探査画面生成手段により生成される視野探査画面に表示する固視標表示制御手段と、

該固視標表示制御手段により表示される固視標を取り囲む円形状の領域内を、静的視標により被験者の視野を探査する探査領域として設定する探査領域設定手段と、

該探査領域設定手段により設定される探査領域内に、複数の探査点を、等間隔に配する探査点設定手段と、

該探査点設定手段により設定された探査点に、該探査点に対応する視野を探査するための静的視標を順次表示する視標表示制御手段と、

該視標表示制御手段により静的視標の表示が行われた前記探査点の総数を計数し、記憶装置に記憶する第一計数手段と、

前記視標表示制御手段により表示される静的視標が認識されなかったことを検出する第二検出手段と、

該第二検出手段により、前記静的視標が視覚認識不可能であったことが検出された回数を、演算装置により計数し、記憶装置に記憶する第二計数手段と、

該第二計数手段により計数され、記憶装置に記憶された前記回数を、

前記第一計数手段により計数され、記憶装置に記憶された前記総数で除算することにより、視野欠損指数を演算装置により算出する視野欠損指数算出手段、

として機能させるプログラムを記録したことを特徴とするコンピュータ読み取り可能な記録媒体であって、

前記探査領域は、

主に黄斑領域の視野特性を探査しようとする観点に基づき限局して設定され、

前記視野欠損指数は、

主に黄斑領域の視野特性を探査しようとする観点からの視野欠損指数であることを特徴とする。

【発明の詳細な説明】

【技術分野】

【０００１】

本発明は、黄斑領域視野欠損指数算出装置、黄斑領域視野欠損指数算出装置作動方法、黄斑領域視野欠損指数算出装置を実現させるプログラム、及びコンピュータに読み取り可能な記録媒体に関する。

【背景技術】

【０００２】

I. List of Required Documents

c. English translations of the documents in a. and b. along with a statement that the English translations are accurate

- All claims which were determined to be patentable by the JPO (English translation)
- Statement that the English Translation of the claims which were determined to be patentable by the JPO is accurate

Excerpted English translation of Japanese Patent Publication No.4218843

(19) Japan Patent Office (12) Patent Publication (B2) (11) Patent Number

Patent No.4218843

(P4218843)

(45)Date of publication:Heisei 21 Feb. 4 (2009.2. 4) (24)Date of registration: Heisei 20 Nov.21 (2008.11.21)

(51) Omitted	
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(omitted)

(57) [CLAIMS]

[Claim 1]

A macular region visual defect index calculation apparatus comprising:

means for generating, on an output device, a visual field probe screen for probing a visual field of a subject using a static visual target;

means for displaying and controlling a fixation image to be fixated by the subject during a visual field probe, on the visual field probe screen generated by said visual field probe screen generating means;

means for setting a circular region surrounding the fixation image displayed by said fixation image displaying and controlling means, as a probe region in order to probe the subject's visual field using the static visual target;

means for setting a plurality of probe points, with equal spacing, in the probe region set by said probe region setting means;

means for displaying and controlling the static visual target sequentially on the probe

points set by said probe points setting means to probe the visual field corresponding to the probe points;

first counting means for counting, and storing on a memory device, a total number of said probe points at which the static visual target has been displayed by said visual target displaying and controlling means;

second detection means for detecting that the static visual target, displayed by said visual target displaying and controlling means, has not been perceived;

second counting means for counting via an arithmetic unit and storing on a memory device, the number of times of detecting, through said second detection means, that said static visual target has not been visually perceived;

and means for calculating a visual defect index, via an arithmetic unit, by dividing said number of times counted and stored on the memory device by said second counting means, by said total number counted and stored on the memory device by said first counting means;

wherein said probe region being set locally from a viewpoint of probing visual field characteristics mainly in macular region, and said visual defect index being a visual defect index from a viewpoint of probing visual field characteristics mainly in macular region.

[Claim 2]

A program for causing a computer to realize the function comprising:

means for generating, on an output device, a visual field probe screen for probing a visual field of a subject using a static visual target;

means for displaying and controlling a fixation image to be fixated by the subject

during a visual field probe, on the visual field probe screen generated by said visual field probe screen generating means;

means for setting a circular region surrounding the fixation image displayed by said fixation image displaying and controlling means, as a probe region in order to probe the subject's visual field using the static visual target;

means for setting a plurality of probe points, with equal spacing, in the probe region set by said probe region setting means;

means for displaying and controlling the static visual target sequentially on the probe points set by said probe points setting means to probe the visual field corresponding to the probe points;

first counting means for counting, and storing on a memory device, a total number of said probe points at which the static visual target has been displayed by said visual target displaying and controlling means;

second detection means for detecting that the static visual target, displayed by said visual target displaying and controlling means, has not been perceived;

second counting means for counting via an arithmetic unit and storing on a memory device, the number of times of detecting, through said second detection means, that said static visual target has not been visually perceived;

and means for calculating a visual defect index, via an arithmetic unit, by dividing said number of times counted and stored on the memory device by said second counting means, by said total number counted and stored on the memory device by said first counting means;

wherein said probe region being set locally from a viewpoint of probing visual field characteristics mainly in macular region, and said visual defect index being a visual

defect index from a viewpoint of probing visual field characteristics mainly in macular region.

[Claim 3]

An operational method for a macular region visual defect index calculation apparatus comprising:

a step of means for generating, on an output device, a visual field probe screen for probing a visual field of a subject using a static visual target;

a step of means for displaying and controlling a fixation image to be fixated by the subject during a visual field probe, on the visual field probe screen generated by said step of visual field probe screen generating means;

a step of means for setting a circular region surrounding the fixation image displayed by said step of fixation image displaying and controlling means, as a probe region in order to probe the subject's visual field using the static visual target;

a step of means for setting a plurality of probe points, with equal spacing, in the probe region set by said step of probe region setting means;

a step of means for displaying and controlling the static visual target sequentially on the probe points set by said step of probe points setting means to probe the visual field corresponding to the probe points;

a step of first counting means for counting, and storing on a memory device, a total number of said probe points at which the static visual target has been displayed by said step of visual target displaying and controlling means;

a step of second detection means for detecting that the static visual target, displayed by said step of visual target displaying and controlling means, has not been perceived;

a step of second counting means for counting via an arithmetic unit and storing on a memory device, the number of times of detecting, through said step of second detection means, that said static visual target has not been visually perceived;

and a step of means for calculating a visual defect index, via an arithmetic unit, by dividing said number of times counted and stored on the memory device by said step of second counting means, by said total number counted and stored on the memory device by said step of first counting means;

wherein said probe region being set locally from a viewpoint of probing visual field characteristics mainly in macular region, and said visual defect index being a visual defect index from a viewpoint of probing visual field characteristics mainly in macular region.

[Claim 4]

A computer-readable recorded medium recording a program for causing a computer to realize the function comprising:

means for generating, on an output device, a visual field probe screen for probing a visual field of a subject using a static visual target;

means for displaying and controlling a fixation image to be fixated by the subject during a visual field probe, on the visual field probe screen generated by said visual field probe screen generating means;

means for setting a circular region surrounding the fixation image displayed by said fixation image displaying and controlling means, as a probe region in order to probe the subject's visual field using the static visual target;

means for setting a plurality of probe points, with equal spacing, in the probe region

set by said probe region setting means;

means for displaying and controlling the static visual target sequentially on the probe points set by said probe points setting means to probe the visual field corresponding to the probe points;

first counting means for counting, and storing on a memory device, a total number of said probe points at which the static visual target has been displayed by said visual target displaying and controlling means;

second detection means for detecting that the static visual target, displayed by said visual target displaying and controlling means, has not been perceived;

second counting means for counting via an arithmetic unit and storing on a memory device, the number of times of detecting, through said second detection means, that said static visual target has not been visually perceived;

and means for calculating a visual defect index, via an arithmetic unit, by dividing said number of times counted and stored on the memory device by said second counting means, by said total number counted and stored on the memory device by said first counting means;

wherein said probe region being set locally from a viewpoint of probing visual field characteristics mainly in macular region, and said visual defect index being a visual defect index from a viewpoint of probing visual field characteristics mainly in macular region.

[Detailed description of invention]

(Omitted)

STATEMENT

I, the below named translator, hereby state that:

My name and post office address are as stated below, and

I am knowledgeable in the English language and in the Japanese language, and

I state that the attached English language translation of the Patent claims of Japanese Patent Application No. 2008-235929 (Patent No. 4218843) is accurate.

Date: 10/27/2011

Full name of the translator: Tomohiro Tsuta

Signature of the translator: /Tomohiro Tsuta/

Post office address: 29-8, Suganodai 7-chome, Suma-ku, Kobe-shi, Hyogo

6540143 Japan

I. List of Required Documents

d. Information Disclosure Statement listing the documents cited in the JPO office actions

- The references cited in the Notification of Reasons for Rejection were submitted in an Information Disclosure Statement filed on June 20, 2011.

PTO/SB/30/PCT-EP (08-10)
Approved for use through 01/31/2012. OMB 0651-0035
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:	12/998,067	Filing date:	March 15, 2011
First Named Inventor:	Claus August BOLZA-SCHÜNEMANN		
Title of the Invention:	Printing Unit, and Devices and Methods for Controlling the Temperature of a Printing Unit		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/061475

The international filing date of the corresponding PCT application(s) is/are: September 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(b). 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.	12/998,067
First Named Inventor	Claus August BOLZA-SCHÜNEMANN

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 March 15, 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 March 15, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
27 - 29	1 - 3	Direct correspondence
30	4	U.S. claims amended to remove multiple dependencies
31 - 34	5 - 8	Direct correspondence
35, 36	9, 10	U.S. claims amended to remove multiple dependencies
37	11	Direct correspondence
38, 39	12, 13	U.S. claims amended to remove multiple dependencies
40 - 46	14 - 20	Direct correspondence
47	21	U.S. claims amended to remove multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date March 28, 2011
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNNGFAM@MSN.COM

Date: 10 March 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/061475, filed on 4 September 2009 and published on 18 March 2010 under No. WO 2010/029023 A1. The undersigned further states that the prosecution document associated with PCT/EP2009/061475 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting thereifrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 4 October, 2010

2. This report comprises a total of 5 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 8 pages *(sent to the applicant and to the International Authority)*, which include

   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).

4. This report contains indications relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box VII Certain defects in the international application

Box I **Basis of the Report**

1. With regard to **language**, this report is based on:

   the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on:

   the description, pages

3-16	as originally filed/furnished
1, 2	received with the letter dated 13 January 2010
2a	received with the letter dated 9 September 2010

   the claims, Nos.

1-21	received with the letter dated 9 September 2010

   the drawings, pages

1/3-3/3	as originally filed/furnished

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes:	Claims 1-21
	No:	Claims
Inventive Step (IS)	Yes:	Claims 1-21
	No:	Claims
Industrial Applicability (IA)	Yes:	Claims 1-21
	No:	Claims

2. Citations and Explanations (Rule 70.7):
   See supplementary pages

INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY (SUPPLEMENTARY PAGES)

Box V.

1 Claim 1 relates to a printing unit which comprises at least a plurality of printing couples embodied as wet offset printing couples, arranged on a same side of a web to be imprinted, each of said printing couples having an inking unit with at least one roller, and a dampening unit, wherein the temperature of the at least one roller is controlled by means of a temperature control medium circuit having a pump and a temperature sensor.

A printing unit of this type is known from the closest prior art according to document DE-A1-4429520.

The subject matter of claim 1 differs from said printing unit essentially in that temperature control medium can be metered from an outer temperature control medium supply circuit to an inner temperature control medium circuit via at least one remotely actuable multiway mixing valve.

The effect of these distinguishing features is that, with minimized fluctuations in quality in the printed product, and at low cost, the temperature of inking units of the printing unit can be satisfactorily controlled at low technical expense using low amounts of operating media.

The stated problem addressed by the application was therefore that of devising an effective system for controlling the temperature of the printing unit.

The solution to this problem is neither known nor suggested by the prior art cited in the search report.

2 The above argumentation applies similarly to the method according to claim 18, the process steps of which correspond to the features of the printing unit according to claim 1.

3 The dependent claims relate to further embodiments of the printing unit or the method, and also satisfy the requirements of the PCT.

4 New claim 1 is disclosed in claims 1 and 7; page 5, paragraph 1; page 12, paragraphs 2 and 3 of the original application.

New claim 18 is disclosed in claim 22; page 5, paragraph 1 of the original application.

Box VII

5 Independent claims 1 and 18 have not been properly distinguished from DE-A1-4429520, because said document also discloses a temperature control medium circuit having a pump and a temperature sensor.

Claims

1. A printing unit, which has at least a plurality of printing couples (04), embodied as wet offset printing couples (04), arranged on a same side of a web (02) to be imprinted, each of said printing couples comprising an inking unit (08) with at least one roller (11) and a dampening unit (09), characterized in that an inner temperature control medium circuit is provided with a pump (17) and a temperature sensor (19), in that rollers (11) of inking units (08) of multiple printing couples (04) of said printing unit (01) arranged on a same side of a web (02) to be imprinted are in thermal contact with a same inner temperature control medium circuit (16) for controlling the temperature of said rollers, and the inner temperature control medium circuit (16) is embodied with a substantially constant circulating volumetric flow rate of temperature control medium in such a way that when the temperature control medium circulating in the inner temperature control medium circuit (16) exceeds a threshold temperature, temperature control medium at a lower temperature coming from a supply circuit (26) can be exchanged by addition and removal, in that temperature control medium from the supply circuit (26), which is embodied as an outer temperature control medium circuit (26), can be metered into the inner temperature control medium circuit (16) via at least one remotely actuable multiway mixing valve (22).

2. The printing unit according to claim 1, characterized in that at least one control valve (22) is provided in the temperature control medium circuit (16), with which valve part of the circulating volume can be replaced with temperature control medium at the lower temperature level, from the one supply circuit (26).

3. The printing unit according to claim 1, characterized in that all rollers (11) of the same type, particularly all rollers (11) configured as distribution cylinders (11), of at least all printing couples (04) of the printing unit (01) that are arranged on a same side of a web

(02) to be imprinted are in thermal contact with the same inner temperature control medium circuit (16) for controlling the temperature of said rollers.

4. The printing unit according to claim 1, 2 or 3, characterized in that the inking units (08) of the printing couples (04) each have at least two rollers (11) of the same type to be temperature controlled, and the rollers (11) of the same type to be temperature controlled in the inking unit (11) are in thermal contact with the same inner temperature control medium circuit (16).

5. The printing unit according to claim 1, characterized in that an electric drive unit (13) of said printing unit (01) and/or an electrical controlling unit (12) of said printing unit (01) is in thermal contact with the same inner temperature control medium circuit (16).

6. The printing unit according to claim 1, that at least the rollers (11) of the same type, particularly the rollers (11) embodied as distribution cylinders, of the inking units (08) of all printing couples (04) of the printing unit (01) are in thermal contact with the same inner temperature control medium circuit (16).

7. The printing unit according to claim 1, characterized in that the multiway mixing valve (22) is embodied as a four-way mixing valve (22).

8. The printing unit according to claim 1, characterized in that the temperature control medium can be metered from the outer temperature control medium circuit (26) by means of a control device (18) acting on the valve (17) on the basis of a signal from the temperature sensor.

9. The printing unit according to claim 1 or 8, characterized in that the inner temperature control medium circuit (16) is divided downstream of the pump (17) by a feed flow

distributor (23) into multiple parallel line branches (21.i), which are recombined by a return flow collector (24) after coming into thermal contact with the components to be temperature controlled.

10. The printing unit according to claim 5 or 9, that rollers (11) to be temperature controlled and drive units (13) and/or controlling units (12) to be temperature controlled are arranged in different, parallel connected line branches (23.i) of the same temperature control medium circuit (16).

11. The printing unit according to claim 10, characterized in that rollers (11) to be temperature controlled of inking units (08) arranged on different sides of the web (02) are functionally connected to different line branches (23.i) of the same temperature control medium circuit (16).

12. The printing unit according to claim 5 or 9, that at least one roller (11) to be temperature controlled and at least one drive unit (13) and/or controlling unit (12) to be temperature controlled are arranged in series in a same line branch (21.i) of the temperature control medium circuit (16).

13. The printing unit according to any one of claims 9 to 12, characterized in that in at least one of the line branches (23.i), particularly in at least n-1 of a total of n line branches (23.i), a device for adjusting line resistance is provided.

14. The printing unit according to claim 1, characterized in that the outer temperature control medium circuit (26) has a pump (27) and a cold source (28).

15. The printing unit according to claim 1, characterized in that the outer temperature control medium circuit has removal points (31) for multiple inner temperature control medium

circuits (16), each assigned to one printing unit (01).

16. The printing unit according to claim 1, characterized in that the printing unit (01) is embodied as a printing tower, through which a web (02) passes substantially vertically, comprising at least eight printing couples (04) and/or four blanket-to-blanket printing couples (03) arranged one above the other.

17. The printing unit according to claim 16, characterized in that rollers (11) of the inking units (08) of all printing couples (04) of the printing tower (01) are in thermal contact with the same inner temperature control medium circuit (16).

18. A method for controlling the temperature of rollers of a printing unit, which comprises at least a plurality of printing couples (04), embodied as wet offset printing couples (04), arranged on a same side of a web (02) to be imprinted, each of said printing couples having an inking unit (08) with at least one roller (11) and a dampening unit (09), characterized in that rollers (11) of inking units (08) of multiple printing couples (04) arranged on a same side of a web (02) to be imprinted are temperature controlled by a same inner temperature control medium circuit (16), wherein a substantially constant volumetric flow rate of temperature control medium circulates in the inner temperature control medium circuit (16), and for maintaining a permitted temperature or for achieving a desired temperature, part of the volume circulating in the inner temperature control medium circuit (16) is replaced by temperature control medium at a different temperature level, from a supply circuit (26).

19. The method according to claim 18, characterized in that in a phase in which the printing unit (01) is off-line, or during a start-up phase of the printing unit, the inner temperature control medium circuit (16) is operated as a closed system and the temperature control medium circulates in the inner temperature control medium circuit (16) without addition

or removal of temperature control medium.

20. The method according to claim 19, characterized in that in a phase in which the printing unit (01) is off-line, or during a start-up phase of the printing unit, heat is introduced into the circulating temperature control medium through an activatable heating device which is functionally connected to the inner temperature control medium circuit (16).

21. The method according to claim 18 or 19, characterized in that temperature control medium from an outer temperature control medium circuit (26) is metered into the inner temperature control medium circuit (16) as soon as the temperature of the temperature control medium circulating in the inner temperature control medium circuit (16) exceeds a definable threshold level.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/998,067	03/15/2011	Claus August Bolza-Schünemann	W1.3064 PCT-US	8772

23294 7590 05/03/2011
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
05/03/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of	**: DECISION ON REQUEST TO**
Clause BOLZA-SCHüNEMANN	**: PARTICIPATE IN THE PATENT**
Application No.: 12/998,067	**: PROSECUTION HIGHWAY**
Attorney Docket No.: W1.3064 PCT-US	**: PROGRAM AND PETITION**
For: PRINTING UNIT, AND DEVICES	**: TO MAKE SPECIAL UNDER**
AND METHODS ...	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 28 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

JUN 30 2011

PCT LEGAL ADMINISTRATION

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of TOZAKI et al.
Application No.: 12/998,073
PCT No.: PCT/JP09/03620
Int. Filing Date: 30 July 2009
Priority Date: 16 September 2008
Attorney Docket No.: 8100-1023
For: COMMUNICATION DEVICE, INFORMATION COMMUNICATION SYSTEM, AND METHOD AND PROGRAM...

DECISION ON

PETITION UNDER

37 CFR 1.181

This is a decision on applicant's "37 CFR 1.181 Petition to Withdraw Holding of Abandonment" filed in the United States Patent and Trademark Office on 18 April 2011.

On 15 March 2011, before the expiration of the thirty month period, applicant requested U.S. National Stage entry under 35 U.S.C. 371 for international application PCT/JP09/03620.

On 15 April 2011, a Notification of Abandonment was mailed to applicant indicating that applicant had failed to provide the full U.S. basic national fee by the thirty month period.

A review of the application file reveals that applicant filed a request to enter the U.S. National stage for PCT/JP09/03620 on 15 March 2011. A copy of the International application was filed in the United States Designated/Elected Office on 25 March 2010. A review of the finance records indicates that on 15 March 2011, applicant paid $1,110 in fees with a credit card payment. Those fees are allocated as follows: basic national fee $330 (1631); national stage search fee $430 (1642); national stage examination fee $220 (1633); surcharge for filing the declaration after the thirty month period $130 (1617). Therefore, the requirement to pay the basic national fee prior to the expiration of the thirty month period was fulfilled on 15 March 2011. Thus, the Notification of Abandonment mailed on 15 April 2011 was mailed in error and is hereby **VACATED**.

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing . The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 16 May 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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333 N. Fairfax St.,
Suite 305
Alexandria, VA 22301

MAILED

JUN 27 2011

PCT LEGAL ADMINISTRATION

In re Application of
WU *et al*
U.S. Application No.: 12/998,075
PCT No.: PCT/US2009/005147
Int. Filing Date: 15 September 2009
Priority Date: 15 September 2008
Docket No.: 40501US
For: NOVEL SHRNA GENE THERAPY FOR TREATMENT OF ISCHEMIC HEART DISEASE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 21 April 2011 is hereby **GRANTED** as follows:

The U.S. 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.

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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BRIAN J. COYNE
MILES WAY COYNE, PLLC
924 CAPITOL WAY S. #219
OLYMPIA WA 98501

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of	:	
Wayne Roland	:	DECISION ON PETITION
Application No. 12/998,109	:	TO WITHDRAW
Filed: May 12, 2011	:	FROM RECORD
Attorney Docket No. 2009-06US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 5, 2012.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Brian J. Coyne on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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BRIAN J. COYNE
MILES WAY COYNE, PLLC
924 CAPITOL WAY S. #219
OLYMPIA WA 98501

MAILED

MAR 29 2012

OFFICE OF PETITIONS

In re Application of
Wayne Roland
Application No. 12/998,109
Filed: May 12, 2011
Attorney Docket Number: 2009-06US

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 21, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Brian J. Coyne on behalf of all attorneys of record who are associated with Customer Number 23681.

All attorneys/agents associated with the Customer Number 23681 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the named inventor at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Wayne Roland
P.O. Box 100
Rainier, Washington 98579

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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Dodson Mitch	:	
Application No. 12/998,141	:	DECISION ON PETITION
Filed: March 22, 2011	:	TO WITHDRAW
Attorney Docket No. **4626.MDOD.PC.US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Dr. M. Ernst
Olshan 9
Ramot 03
Jerusalem 97296
ISRAEL

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MAY 26 2011

PCT LEGAL ADMINISTRATION

In re Application of
ERNST *et al*
U.S. Application No.: 12/998,165
PCT No.: PCT/IB2009/053554
Int. Filing Date: 12 August 2009
Priority Date: 22 August 2008
Attorney Docket No.: den005
For: SYSTEM AND A METHOD FOR THREE-DIMENSIONAL MODELING OF A THREE-DIMENSIONAL SCENE FEATURES

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 24 March 2011 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 pursuant to PCT Rule 4.17(iv) was submitted in the international application. This declaration meets the requirements of 37 CFR 1.497(a) and (b).

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

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12998186	Confirmation Number	5552	Filing Date	2011-03-25
Attorney Docket Number (optional)	LEVETT-1 PCT	Art Unit	3626	Examiner	
First Named Inventor	Rene LEVETT				
Title of Invention	Method for estimating the health risk of a test subject				

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
Rene		LEVETT	

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	/Edward J. Callaghan/	Date (YYYY-MM-DD)	2011-11-08
Name	Edward J. Callaghan	Registration Number	46594

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Rene Levett

Application No. 12998186

Filed: March 25,2011

Attorney Docket No. LEVETT-1 PCT

: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 08-NOV-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAY 27 2011

PCT LEGAL ADMINISTRATION

M A Ervin & Associates
8202 Talbot Cove
Austin TX 78746

In re Application of	:	
SUH, Kwang, et al.	:	
Application No.: 12/998,200	:	
PCT No.: PCT/US2009/005327	:	DECISION
Int. Filing Date: 25 September 2009	:	
Priority Date: 27 September 2008	:	ON PETITION UNDER
Docket No.: MAE-ST-134-US	:	
For: AUTO-CORRECTING OR	:	37 CFR 1.47(a)
SELF-CALIBRATING DTS	:	
TEMPERATURE SENSING	:	
SYSTEM AND METHODS	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 26 March 2011.

BACKGROUND

On 26 March 2011, applicants filed, *inter alia*, a transmittal letter, this petition under 37 CFR 1.47(a) and the basic national fee.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2), (3) and (4) have been satisfied. The petition fee has been paid. Applicants state that they presented the inventor with a complete copy of the application papers and the declaration, but that an executed declaration has not been returned after the passage of a reasonable period. Applicant states the last known address of the non-signing inventor, Michael Sanders as 3213 Smokey Ridge; Austin, TX 78730. The PCT Rule 4.17 declaration is executed by the signing inventors on behalf on the non-signing inventor.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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 **26 March 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

MAY 27 2011

PCT LEGAL ADMINISTRATION

Michael Sanders
3213 Smokey Ridge
Austin, TX 78730

In re Application of
SUH, Kwang, et al.
Application No.: 12/998,200
PCT No.: PCT/US2009/005327
Int. Filing Date: 25 September 2009
Priority Date: 27 September 2008
Docket No.: MAE-ST-134-US
For: AUTO-CORRECTING OR SELF-CALIBRATING DTS TEMPERATURE SENSING SYSTEM AND METHODS

Dear Mr. Sanders:

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

M A Ervin & Associates
8202 Talbot Cove
Austin TX 78746

PTO/SB/20PCT-US (09-10)
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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:	12/998,224	Filing date:	March 28, 2011
First Named Inventor:	Teruya Ikegami		
Title of the Invention:	GUI EVALUATION SYSTEM, GUI EVALUATION METHOD, AND GUI EVALUATION PROGRAM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/003830

The international date of the corresponding PCT application(s) is/are: August 7, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

[X] Is attached

[ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

[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.:	12/998,224
First Named Inventor:	Teruya Ikegami

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 3/28/2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

[X] Are attached.

[X] Have already been filed in the above-identified U.S. application on 3/28/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	They are the same
2	2	They are the same
3	3	Justification of sufficient correspondence
4	4	They are the same
5	5	Justification of sufficient correspondence
6	6	Justification of sufficient correspondence
7	7	Justification of sufficient correspondence
8	8	They are the same
9	9	They are the same
10	10	Justification of sufficient correspondence
11	11	They are the same
12	12	Justification of sufficient correspondence
13	13	Justification of sufficient correspondence
14	14	They are the same
15	15	They are the same
16	16	Justification of sufficient correspondence
17	17	They are the same
18	18	Justification of sufficient correspondence
19	19	Justification of sufficient correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	August 6, 2011
Name (Print/Typed)	Sean M. McGinn, Esq.	Registration Number	34,386

IAP09Rec'd PCT 26 JUL 2011

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)
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OPAP IAP13 JUL 26 2011 PATENT & TRADEMARK OFFICE

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:	12/998,240	Filing date:	March 29, 2011
First Named Inventor:	URASAKI		
Title of the Invention:	Coating Agent, Substrate for Mounting Optical Semiconductor Element Using Same, and Optical Semiconductor 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/JP2009/066633

The international date of the corresponding PCT application(s) is/are: 2009-Sept-25

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.**

See attachments for b., namely (i) allowed Japanese claims, (ii) English translation of (i), and (iii) statement that the English translation is accurate.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/998,240
First Named Inventor:	URASAKI

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 June 6, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on June 6, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	identical
2	2	identical
3	3	identical
4	4	identical, except without multiple dependency
5	5	identical, except without multiple dependency
6	6	identical, except without multiple dependency
7	7	identical, except without multiple dependency
8	8	identical
9	9	identical
10	10	identical
11	11	identical, except without multiple dependency
12	12	identical
13	13	identical
14	14	identical
15	4	identical, except only dependent from claim 3
16	5	identical, except only dependent from claim 3
17	6	identical, except only dependent from claim 3
18	7	identical, except only dependent from claim 3
19	8	identical, except only dependent from claim 18

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Douglas E. Jackson FOR #28,518	Date July 26, 2011
Name (Print/Typed) Juan Carlos A. Marquez	Registration Number 34,072

OPAP
JUL 2 6 2011
IAP13
PATENT & TRADEMARK OFFICE

VERIFICATION OF TRANSLATION

I, Ryo TANGE

Of Soei Patent & Law Firm

Marunouchi MY PLAZA 9th fl., 1-1, Marunouchi 2-chome,

Chiyoda-ku, Tokyo 100-0005 JAPAN

Declare as follows:

That I am well acquainted with both the English and Japanese languages;

That the attached document is true and correct translation made by me to the best of my knowledge and belief of the Claims of International Application No. PCT/JP2009/066633 indicated as allowable in the international phase.

Signed this 8th day of June, 2011.

Signature: Ryo Tange

Name: Ryo TANGE

請求の範囲

[請求項1] 熱硬化性樹脂と、白色顔料と、硬化剤と、硬化触媒と、を含有する導体部材間に用いられるコート剤であって、

前記白色顔料の含有量が、前記コート剤の固形分全体積を基準として１０～８５体積%であり、

前記コート剤からなる硬化物を２００℃で２４時間放置した場合の白色度が７５以上である、導体部材間に用いられるコート剤。

[請求項2] 前記熱硬化性樹脂がエポキシ樹脂である、請求項１に記載の導体部材間に用いられるコート剤。

[請求項3] エポキシ樹脂と、白色顔料と、酸無水物系硬化剤と、硬化触媒と、を含有する導体部材間に用いられるコート剤であって、

前記白色顔料の含有量が、前記コート剤の固形分全体積を基準として１０～８５体積%であり、

前記エポキシ樹脂は、該エポキシ樹脂と前記酸無水物系硬化剤とからなる硬化物が、厚さ１mmにおいて波長３６５ｎｍの光に対する透過率が７５%以上となるものである、導体部材間に用いられるコート剤。

[請求項4] 前記エポキシ樹脂が、脂環式エポキシ樹脂又はイソシアヌレート骨格を有するエポキシ樹脂である、請求項２又は３に記載の導体部材間に用いられるコート剤。

[請求項5] 前記白色顔料が、酸化チタン、シリカ、アルミナ、酸化マグネシウム、酸化アンチモン、水酸化アルミニウム、硫酸バリウム、炭酸マグネシウム、炭酸バリウム、及び水酸化マグネシウムからなる群より選択される少なくとも１種である、請求項１～４のいずれか一項に記載の導体部材間に用いられるコート剤。

[請求項6] 前記白色顔料の平均粒径が０．１～５０μｍである、請求項１～５のいずれか一項に記載の導体部材間に用いられるコート剤。

[請求項7] 基材と、該基材の表面に形成された複数の導体部材と、複数の前記

導体部材間に形成された、請求項１～６のいずれか一項に記載の導体部材間に用いられるコート剤からなる白色樹脂層と、を備える光半導体素子搭載用基板。

[請求項8] 請求項７に記載の光半導体素子搭載用基板に光半導体素子を搭載してなる光半導体装置。

[請求項9] 光半導体素子搭載用基板に用いるためのコート剤であって、熱硬化性樹脂と、白色顔料とを含有し、前記白色顔料が酸化チタンである、コート剤。

[請求項10] 前記熱硬化性樹脂が、脂環式エポキシ樹脂又はイソシアヌレート骨格を有するエポキシ樹脂を含む、請求項９に記載のコート剤。

[請求項11] 基材と、該基材の表面に形成された複数の導体部材と、前記基材の表面に形成された、請求項９又は１０に記載のコート剤からなる白色樹脂層と、を備える光半導体素子搭載用基板。

[請求項12] 請求項１１に記載の光半導体素子搭載用基板に光半導体素子を搭載してなる光半導体装置。

[請求項13] 基材と、該基材の表面に設けられた白色樹脂層と、導体部材とを備える光半導体素子搭載用基板であって、前記白色樹脂層が、エポキシ樹脂と、白色顔料とを含有するコート剤の硬化物である、光半導体素子搭載用基板。

[請求項14] 請求項１３に記載の光半導体素子搭載用基板に光半導体素子を搭載してなる光半導体装置。

English translation of allowable claims in the international phase

1. A coating agent to be used between conductor members, comprising a thermosetting resin, a white pigment, a curing agent and a curing catalyst, the coating agent to be used between conductor members having:

a white pigment content of 10-85 vol% based on the total solid volume of the coating agent, and

a whiteness of at least 75 when the cured product of the coating agent has been allowed to stand at 200°C for 24 hours.

2. A coating agent to be used between conductor members according to claim 1, wherein the thermosetting resin is an epoxy resin.

3. A coating agent to be used between conductor members, comprising an epoxy resin, a white pigment, an acid anhydride-based curing agent and a curing catalyst, the coating agent to be used between conductor members having:

a white pigment content of 10-85 vol% based on the total solid volume of the coating agent,

wherein the epoxy resin is one such that the cured product of the epoxy resin and the acid anhydride-based curing agent has a transmittance of at least 75% for light with a wavelength of 365 nm, at a thickness of 1 mm.

4. A coating agent to be used between conductor members according to claim 2 or 3, wherein the epoxy resin is an alicyclic epoxy resin or an epoxy resin with an isocyanurate skeleton.

5. A coating agent to be used between conductor members according to any one of claims 1 to 4, wherein the white pigment is at least one

selected from the group consisting of titanium oxide, silica, alumina, magnesium oxide, antimony oxide, aluminum hydroxide, barium sulfate, magnesium carbonate, barium carbonate and magnesium hydroxide.

6. A coating agent to be used between conductor members according to any one of claims 1 to 5, wherein the mean particle size of the white pigment is 0.1-50 μm.

7. A substrate for mounting an optical semiconductor element comprising a base material, a plurality of conductor members formed on the surface of the base material, and a white resin layer comprising a coating agent to be used between conductor members according to any one of claims 1 to 6, formed between the plurality of conductor members.

8. An optical semiconductor device comprising an optical semiconductor element mounted on a substrate for mounting an optical semiconductor element according to claim 7.

9. A coating agent for use on a substrate for mounting an optical semiconductor element, the coating agent comprising a thermosetting resin and a white pigment, wherein the white pigment is titanium oxide.

10. A coating agent according to claim 9, wherein the thermosetting resin comprises an alicyclic epoxy resin or an epoxy resin with an isocyanurate skeleton.

11. A substrate for mounting an optical semiconductor element comprising a base material, a plurality of conductor members formed on the surface of the base material, and a white resin layer comprising a coating agent according to claim 9 or 10, formed on the surface of the base material.

12. An optical semiconductor device comprising an optical semiconductor element mounted on a substrate for mounting an optical semiconductor element according to claim 11.

13. A substrate for mounting an optical semiconductor element comprising a base material, a white resin layer formed on the surface of the base material and a conductor member, wherein the white resin layer is the cured product of a coating agent containing an epoxy resin and a white pigment.

14. An optical semiconductor device comprising an optical semiconductor element mounted on a substrate for mounting an optical semiconductor element according to claim 13.

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.
12/998,240	05/10/2011	Naoyuki Urasaki	SOEP-0004	2682

38327 7590 11/07/2011
Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

EXAMINER

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
11/07/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iplaw@stites.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

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria VA 22314-1437

***In re* Application of**	
URASAKI, *et al.*	**: DECISION ON REQUEST TO**
Application No.: 12/998,240	**: PARTICIPATE IN THE PATENT**
Filed: 10 May 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: SOEP-0004	**: PROGRAM AND PETITION**
For: COATING AGENT, SUBSTRATE FOR MOUNTING OPTICAL SEMICONDUCTOR ELEMENT USING SAME, AND OPTICAL SEMICONDUCTOR DEVICE	**: 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 26 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(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 Michael Day at 571-272-1568.

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.

/Michael Day/

Michael Day
Quality Assurance Specialist
Technology Center 2800

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/998,275	Filing date:	April 4, 2011
First Named Inventor:	Moshe Elazar Ernest		
Title of the Invention:	A SYSTEM AND METHOD FOR PROCESSING AND REUSING GRAYWATER INCLUDING FOR USE IN A HOME AND GARDEN		

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/IL2009/000955

The international filing date of the corresponding PCT application(s) is/are: October 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 EPO AND THE USPTO

(continued)

Application No.:	12/998,275
First Named Inventor:	Moshe Elazar Ernest

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 April 4, 2011 & August 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 April 4, 2011 & August 2, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claim 1	Claim 1	The respective claims are substantially identical.
Claim 2	Claim 2	The respective claims are identical.
Claim 3	Claim 3	The respective claims are identical.
Claim 4	Claim 4	The respective claims are identical.
Claim 5	Claim 5	The respective claims are substantially identical.
Claim 6	Claim 6	The respective claims are identical.
Claim 7	Claim 7	The respective claims are identical.
Claim 8	Claim 8	The respective claims are identical.
Claim 9	Claim 9	The respective claims are identical.
Claim 10	Claim 10	The respective claims are identical.
Claim 11	Claim 11	The respective claims are substantially identical.
Claim 12	Claim 12	The respective claims are identical.
Claim 13	Claim 13	The respective claims are identical.
Claim 14	Claim 14	The respective claims are identical.
Claim 15	Claim 15	The respective claims are substantially identical.
Claim 16	Claim 16	The respective claims are identical.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature D Peter Hochberg	Date October 31, 2011
Name (Print/Typed) D. Peter Hochberg	Registration Number 24,603

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

D. PETER HOCHBERG CO. L.P.A.
1940 EAST 6TH STREET
CLEVELAND OH 44114

In re Application of
ERNEST
Application No.: 12/998,275
Filed: April 4, 2011
Attorney Docket No.: BD5057US (#90809)
For: SYSTEM AND METHOD FOR PROCESSING AND REUSING GRAYWATER INCLUDING FOR USE IN A HOME AND GARDEN

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 31, 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 PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to Technology Center Art Unit 1778 for action on the merits commensurate with this decision.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

Enrico Massa
Via Sandalyon 55
Quartu San"Elena 09045
ITALY

In re Application of	:	
MASSA	:	
Application No.: 12/998,377	:	DECISION ON PETITION
PCT No.: PCT/IB2009/054469	:	
Int. Filing Date: 12 October 2009	:	UNDER 37 CFR 1.181
Priority Date: 13 October 2008	:	
Atty Docket No.: None	:	
For: ELECTROMAGNETIC LOAD DEVICE FOR AN APPARATUS FOR PHYSICAL EXERCISE, AND APPARATUS PROVIDED WITH SAID DEVICE	:	

This is a decision on applicant's "Reply to 'Notification of defective response' mailed on 09/07/2011" filed 05 October 2011 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 12 October 2009, applicant filed international application PCT/IB2009/054469 which claimed priority to an earlier application filed 13 October 2008. A copy of the international application was transmitted to the United States by the International Bureau (IB) on 22 April 2010. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 April 2010.

On 13 April 2011, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an unexecuted declaration.

On 10 May 2011, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. In addition, applicant was notified of the need to provide a surcharge of $65.00 for filing the oath or declaration later than 30 months from the earliest priority date and additional claims fees of $1131. 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 August 2011, applicant responded indicating that a complete copy of the

declaration had been filed by facsimile on 13 April 2011. Applicant included a set of claims.

On 07 September 2011, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating that the filed declaration was accepted but as it was filed after the expiration of thirty months from the priority date the $65.00 surcharge was still required to be paid. In addition, applicant was informed that the additional claims fees remained outstanding. Applicant was afforded one month to file a response.

On 15 April 2011, applicant filed the petition discussed herein to have the Form PCT/DO/EO/916 vacated.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) section 503 explains that:

> A return postcard should be attached to each patent application for which a receipt is desired.
>
> It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO).

In the present case, applicant states that a complete three page declaration was filed by facsimile on 13 April 2011; the thirty month deadline for entering the U.S. national stage. Such a timely filing would result in the $65.00 surcharge listed on the Form PCT/DO/EO/905 not being required. However, applicant has not included sufficient evidence to show that the entire three page declaration was filed. The transmission report indicates that three pages were received; however the report does not include any type of listing of the pages. It is possible that the other two sheets were blank pages. In order to assign a filing date of 13 April 2011 to the declaration applicant must provide some type of return postcard or other certification under 37 CFR 1.8 to show that a complete declaration was provided on 13 April 2011. Failure to do so will necessitate the payment of the $65.00 surcharge.

As to the set of claims filed 26 August 2011 and 29 September 2011, after resolution of the declaration filing date issue this application will be returned to the Office of PCT Operations, National Stage Processing to ascertain of the claims were filed in a manner which would allow them to be made part of the application.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

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 1.181." No additional petition fee is required.

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

Enrico Massa
Via Sandalyon 55
Quartu San"Elena 09045
ITALY

MAILED
DEC 02 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
MASSA	:	
Application No.: 12/998,377	:	DECISION ON PETITION
PCT No.: PCT/IB2009/054469	:	
Int. Filing Date: 12 October 2009	:	UNDER 37 CFR 1.181
Priority Date: 13 October 2008	:	
Atty Docket No.: None	:	
For: ELECTROMAGNETIC LOAD DEVICE FOR AN APPARATUS FOR PHYSICAL EXERCISE, AND APPARATUS PROVIDED WITH SAID DEVICE	:	

This is a decision on applicant's "Renewed Petition Under 37 CFR 1.181" filed 08 November 2011 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 01 November 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 to have the Form PCT/DO/EO/916 mailed 07 September 2011 vacated. Applicant was afforded two months to file any request for reconsideration.

On 08 November 2011, applicant filed the renewed petition considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) section 503 explains that:

A return postcard should be attached to each patent application for which a receipt is desired.

It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO).

Applicant has previously stated that a complete three page declaration was filed by

facsimile on 13 April 2011. Applicant has presently provided a three page transmission report showing that a complete declaration was filed on 13 April 2011. As this date preceded the expiration of thirty months from the priority date applicant is not required to provide payment of the $65.00 surcharge.

As to the set of claims filed 26 August 2011 and 29 September 2011, this application will be returned to the Office of PCT Operations, National Stage Processing to ascertain of the claims were filed in a manner which would allow them to be made part of the application so as to alleviate the need for payment of the claim fees listed in the Form PCT/DO/EO/916.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/916 mailed 07 September 2011 is hereby **VACATED** as to the need to provide payment of the $65.00 surcharge for providing a signed oath or declaration after expiration of the thirty month deadline.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision including consideration of the claims filed 26 August 2011 and 29 September 2011.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/28PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0056
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:	12/998,378	Filing date:	2011-04-14
First Named Inventor:	Katja Paula KRIEGER		
Title of the Invention:	Securing a Hazardous Area in the Region Surrounding the Automatic Loading of Reels on a Reel Changer		

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/EP2009/059698

The international filing date of the corresponding PCT application(s) is/are: 2009-07-28

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ Is attached

■ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

■ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/998,378
First Named Inventor:	Katja Paula KRIEGER

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/SA, WO/IPEA, IPER) of the corresponding PCT application.

☐ is attached

☒ Has already been filed in the above-identified U.S. application on 2011-04-14

(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 2011-04-14

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
26 - 32	1 - 7	Direct correspondence
33	8	U.S. claim amended to remove multiple dependencies
34 - 41	9 - 16	Direct correspondence
42 - 46	17 - 21	U.S. claims amended to remove multiple dependencies
47, 48	22, 23	Direct correspondence
49, 50	24, 25	U.S. claims amended to remove multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Douglas R Hanscom/	Date 2011-04-27
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032

TELEPHONE, FAX: 703-426-1423 · DUNNSFAM@MSN.COM

Date: 13 April 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/059698, filed on 28 July 2009 and published on 22 April 2010 under No. WO 2010/043430 A1. The undersigned further states that the prosecution document associated with PCT/EP2009/059698 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Search Report and the Written Opinion of the International Search Authority or the Declaration (Rule 44.1 PCT)**, mailed on 07 December 2009

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. The report comprises a total of 5 pages. Copies of each prior art document cited in this report are also enclosed.

1. **Basis of the Report**
   With regard to **language**, the international search was carried out on the basis of the international application in the language in which it was filed

4. With regard to the **Title of the Invention**:

   The wording has been determined as submitted by the applicant.

5. With regard to the **Abstract**:

   The wording has been determined by the Authority as provided in Box IV, according to Rule 38.2b).

6. With regard to the **Drawings**:

   a. Figure 4 is to be published with the abstract as established by this Authority, because the applicant failed to suggest a figure.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Rule 43*bis*.1 PCT)

1. This opinion contains indications relating to the following items:

Box I Basis of the opinion

Box 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 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

Box IV Wording of the Abstract

The invention relates to a system for securing a hazardous area in the region surrounding the automatic transport (01) of reels to a reel changer, with a contactless safety device at the boundaries of access to the region, which can be deactivated to allow a known object to enter and/or exit, and with an evaluation unit, wherein the safety device is embodied as a light beam barrier (03), which has a plurality of light beams (04) extending parallel to one another, wherein the evaluation unit has means for detecting the sequence of interruption of light beams (04) when an object enters and/or exits, and, on the basis of this sequence, detects a known object that is allowed access to the hazardous area, and in this case deactivates the safety device, and in that the system for securing the hazardous area also comprises a second, contactless safety device, which is permanently active.

Box V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes: Claims 1-25 No: Claims
Inventive Step	Yes: Claims 1-25 No: Claims
Industrial Applicability	Yes: Claims 1-25 No: Claims:

2. Citations and Explanations
   See attached sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SUPPLEMENTARY SHEET)

Box V

1. Reference is made to the following documents:

   D1: WO 2005/080241 A (KOENIG & BAUER AG [DE]; LEHRIEDER ERWIN PAUL JOSEF [DE]; OLBORT JOSEF) 1 September 2005 (2005-09-01), cited in the application
   D2: EP 1 331 433 A (KEYENCE CO LTD [JP]) 30 July 2003 (2003-07-30)
   D3: US 5 243 183 A (BARRON JR KENNETH L [US] ET AL) 7 September 1993 (1993-09-07)
   D4: DE 10 2006 053002 A1 (LEUZE LUMIFLEX GMBH & CO KG [DE]) 15 May 2008 (2008-05-15)

2. Novelty – PCT Article 33(2) and Inventive Step – PCT Article 33(3)

2.1 Document D1 is considered the closest prior art and discloses (the references between parentheses relate to said document) a

System for securing a hazardous area in the region surrounding the transport of reels to a reel changer, with a contactless safety device at boundaries of access to the region, which can be deactivated to allow entry and/or exit of a known object, and with an evaluation unit, wherein the safety device is embodied as a light beam barrier, which has a plurality of light beams extending parallel to one another (cf., preamble to claim 1).

2.2 Moreover, document D1 discloses on page 5, line 25 – page 6, line 4 that by arranging a plurality of sensors at different levels, complex scanning routines can be implemented, so that, for example, material reels can pass through the locks without problems, whereas if the sensor signals are inadvertently exceeded, an alarm is triggered.

2.3 Thus the feature that the evaluation unit "has means for detecting the sequence of interruption of the light beams when any object passes in and/or out, and, on the basis of this sequence of interruption of the light beams when any object passes in and/or out, detects a known object that is allowed access to the hazardous area" is not disclosed.

2.4 Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

2.5 Additionally, said feature is not directly suggested by document D1. It is clear to a person skilled in the art that when a reel passes through the system for securing the hazardous area, both a different height and a different sequence of interruption of the light beam barrier is generated from when, for example, a press operator passes through. However, a person skilled in the art could also consider only the height or shape of a reel or of an object passing through the light beam barrier, as is the case in document D3, for

example. It is improbable that he would arrive at the use of the sequence as a criterion solely on the basis of D1.

2.6 The subject matter of claim 1 further differs from the system for securing a hazardous area disclosed in document D1 in that the safety device is deactivated when an object is detected, and in that it also comprises a second contactless safety device, which is permanently active.

2.7 Although it is known from document D4, for example, to provide a second contactless device, namely a camera, said device is activated for collecting additional information on the entry of an object, as soon as such entry takes place. Therefore, it is not permanently active.

2.8 Moreover, the feature that a monitoring device is deactivated within the scope of a muting function is also known in the art, see claim 1 of D2.

2.9 On the basis of the cited documents, however, it is unclear how a problem/solution approach could be formulated which would cause a person skilled in the art, in an obvious manner, to add all features not disclosed by document D1 to the wording of the preamble of claim 1. This applies particularly to the feature of considering the sequence of interruptions of the light beams, because this feature is not explicitly disclosed anywhere.

Therefore, the subject matter of claim 1 involves an inventive step (PCT Article 33(3)).

Claims

1. A system for securing a hazardous area in the region of reel transport (01) to a reel changer (02) comprising a contactless safety device at access boundaries of the region, which can be deactivated to allow a known object to pass in and/or out, and comprising an evaluation unit, wherein the safety device is embodied as a light beam barrier (03), which has multiple light beams (04) passing parallel to one another, characterized in that the evaluation unit has means for detecting the sequence of interruption of the light beams (04) when any object passes in and/or out, and, on the basis of this sequence, detects a known object that is allowed access to the hazardous area, in which case the evaluation unit deactivates the safety device, and in that the system for securing the hazardous area also comprises a second contactless safety device which is permanently active.

2. The system for securing a hazardous area according to claim 1, characterized in that the known object is a reel (05), a residual core, or an automatic transport vehicle.

3. The system for securing a hazardous area according to claim 1, characterized in that the light beams (04) are spaced uniformly from one another.

4. The system for securing a hazardous area according to claim 3, characterized in that the spacing is 40 mm.

5. The system for securing a hazardous area according to claim 1, characterized in that the light beams (04) extend horizontally.

6. The system for securing a hazardous area according to claim 5, characterized in

that the surface of the light beam barrier (03) is arranged inclined toward vertical.

7. The system for securing a hazardous area according to claim 1, characterized in that the light beams (04) extend inclined toward horizontal.

8. The system for securing a hazardous area according to claim 6 or 7, characterized in that the angle of inclination is 15°.

9. The system for securing a hazardous area according to claim 1, characterized in that at least one light beam (04) of the light beam barrier (03) passing above the known object is permanently active.

10. The system for securing a hazardous area according to claim 1, characterized in that the system further comprises at least two photoelectric cells (06) for muting, which are connected to the evaluation unit.

11. The system for securing a hazardous area according to claim 1, characterized in that the system for securing a hazardous area has at least two light beams (07) which extend transversely to the longitudinal extension of the known object.

12. The system for securing a hazardous area according to claim 11, characterized in that the upper end point of each of the light beams (07) lies above the upper edge of the known object.

13. The system for securing a hazardous area according to claim 11, characterized in that the respective lower end point of each of the light beams (07) lies below the upper edge of the known object.

14. The system for securing a hazardous area according to claim 11, characterized in that the light beams (07) intersect above the known object, with their continued path extending past the known object.

15. The system for securing a hazardous area according to claim 11, characterized in that the two light beams (07) pass parallel to and spaced from imaginary tangents, which lie against the upper half of the known object.

16. The system for securing a hazardous area according to claim 11, characterized in that the respective lower end points of each of the light beams (07) are arranged above the half of the known object.

17. The system for securing a hazardous area according to any one of claims 1 to 16, characterized in that a transmitter and a receiver are assigned to each light beam (04; 07), and are positioned at the end points of the light beam (04; 07).

18. The system for securing a hazardous area according to any one of claims 1 to 17, characterized in that each of the safety devices comprises precisely one transmitter, one receiver and multiple deflecting mirrors for all light beams (04; 07).

19. The system for securing a hazardous area according to claim 17 or 18, characterized in that transmitter and receiver are arranged opposite one another.

20. The system for securing a hazardous area according to claim 17 or 18, characterized in that a combined transmitting and receiving unit (08) is arranged opposite a reflector.

21. The system for securing a hazardous area according to any one of claims 17 to 20, characterized in that the position of transmitter, receiver, reflector and/or deflecting mirror can be adjusted.

22. The system for securing a hazardous area according to claim 1, characterized in that the safety devices comprises a sensor for detecting the dimensions of the known object.

23. The system for securing a hazardous area according to claim 22, characterized in that the sensor is connected to an adjustment device, wherein the adjustment device serves to automatically adjust transmitter, receiver, reflector or deflecting mirror on the basis of the known object.

24. The system for securing a hazardous area according to any one of claims 1 to 23, characterized in that the known object is a reel (05) having a diameter > 450 mm.

25. The system for securing a hazardous area according to claim 1 or 24, characterized in that the system for securing a hazardous area comprises a photoelectric cell (12), which arranged inside the secured area and enables a positioning of the reel (05) or of an automatic transport vehicle in a starting position.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/998,378	04/14/2011	Katja Paula Krieger	W1.3030 PCT-US	4848

23294 7590 09/29/2011
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
09/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of: KREIGER et al.
Application No. 12/998,378
Atty Docket #: **W1.3030 PCT-US**
Filed: April 14, 2011
For: **SECURING A HAZARDOUS AREA IN THE REGIN SURROUNDING THE AUTOMATIC LOADING OF RRELS ON A REEL CHANGER**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway **(PCT-PPH)** pilot program and the petition under 37 CFR 1.102(a), filed April 27, 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 national stage entry of the corresponding PCT application

Or

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) *a* national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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Roslyn, NY 11576

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AUG 09 2011

PCT LEGAL ADMINISTRATION

In re Application of
SEPEUR *et al*
U.S. Application No.: 12/998,405
PCT No.: PCT/DE2009/075049
Int. Filing Date: 17 September 2009
Priority Date: 16 October 2008
Attorney Docket No.: SEPEUR ET AL - 8 PCT
For: METHOD FOR PRODUCING DEFORMABLE CORROSION PROTECTION LAYERS ON METAL SURFACES

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the "Request to Change Inventorship under 37 CFR 1.48(a)" filed 13 June 2011 which is treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 04 May 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed stating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required. Applicants were given two months to respond.

On 13 June 2011, applicants filed the subject petition to add an inventor which was accompanied by, *inter* alia, a statement from the inventor being added; a $130.00 processing fee; a $65.00 surcharge fee; a consent by the assignee; a statement under 37 CFR 3.73(b); a copy of an assignment; and an executed declaration.

DISCUSSION

Applicants request to add Christina TASCH as an inventor in the above-captioned national stage application.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application. 37 CFR 1.497(d) states, in part:

> (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, the oath or declaration must be accompanied by:

(1) A statement from each person being added 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(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

Applicants provided a statement of the inventor being added. The $130.00 processing fee has been paid. A consent of assignee signed by Mr. Sepeur of the assignee, NONO-X GmbH was submitted. Mr. Sepeur states that he has the authority to sign on behalf of the assignee, *See* MPEP § 324(V)(B). A copy of the assignment and a statement that the assignment is concurrently being submitted for recordation was also provided. A review of the application shows that the assignment was recorded on 15 June 2011.

All items of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to add Christina TASCH as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 13 June 2011 is in compliance with 37 CFR 1.497(a)-(b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 17 September 2009 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 June 2011.

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

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OFFICE OF PETITIONS

Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York, NY 10018

In re Application of Smarsly et al.	:	
Application No. 12/998,411	:	
Int'l Filing Date: October 14, 2009	:	Decision on Request
Attorney Docket No. 5038.1094	:	
Pub. No. US 2011/0305578 A1	:	
Pub. Date: December 15, 2011	:	

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed February 7, 2012.

The request is **dismissed**.

Applicants request the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The mistake identified in the instant request is not a material Office mistake as required under 37 C.F.R. § 1.221(b). Specifically, the mistake does not affect the public's ability to appreciate

[1] *See* Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). *See also* Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements, the publication fee set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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PCT LEGAL ADMINISTRATION

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of :
EBNER, et al. :
Application No.: 12/998,427 :
PCT No.: PCT/AT2009/000391 :
Int. Filing Date: 09 October 2009 :
Priority Date: 20 October 2008 :
Attorney Docket No.: EBNER ET AL - 14 PCT :
For: HEAT EXCHANGER FOR AN ANNEALING FURNACE FOR EXCHANGING HEAT BETWEEN TWO FLUIDS :

DECISION ON PAPERS

UNDER 37 CFR 1.42

This decision is in response to applicant's declaration filed 19 April 2011. The filed declaration is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 09 October 2009, applicant filed international application PCT/AT2009/000391, which claimed priority to an earlier application filed 20 October 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 20 April 2011.

On 19 April 2011, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application into English; a preliminary amendment and the declaration discussed herein.

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."

The declaration submitted on 19 April 2011 is executed by Brigitte Ebner as legal representative to the estate of deceased inventor, Peter Ebner. The declaration provides the citizenship, residence and mailing address for both the legal representative and the deceased

inventor per 37 CFR 1.497(a)(3). As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 09 October 2009 and will be given a date of **19 April 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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Office of PCT Legal Administration
Tel: (571) 272-3294

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Roseland, NJ 07068

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PCT LEGAL ADMINISTRATION

In re Application of
VU *et al*
U.S. Application No.: 12/998,435
PCT No.: PCT/EP2009/063498
Int. Filing Date: 15 October 2009
Priority Date: 07 November 2008
Attorney Docket No.: 665560.145
For: SEPARATION METHOD AND APPARATUS FOR IMMISCIBLE FLUIDS

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 23 September 2011.

BACKGROUND

On 04 May 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available.

On 30 August 2011, applicants filed a response which was accompanied by, *inter alia*, a declaration executed by one of the two named inventors, a $65.00 surcharge fee, and a two-month extension of time and fee.

On 09 September 2011, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements is 30 August 2011.

On 23 September 2011, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of Johanna Herrmann, a declaration of Ansor Gäbler and documentary evidence in support of the petition.

DISCUSSION

It is first noted that the Form PCT/DO/EO/903 and filing receipt mailed 23 September 2011 were sent, in error, and are hereby **VACATED**.

Applicants did not provide a declaration in compliance with 37 CFR 1.497(a) and (b) on 30 August 2011. The declaration submitted was signed by only one of the two named inventors, as such, it fails to meet the requirements of 37 CFR 1.497(a)(1).

It is also noted that applicants paid the small entity surcharge fee of $65.00. The surcharge fee is $130.00 pursuant to 37 CFR 1.492(h). The $65.00 difference has been charged to counsel's Deposit Account No. 03-0678.

Petition Under 37 CFR 1.47(a)

Applicants claim that co-inventor, Van-Khoi VU, refuses to join the subject 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 nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1) and (4) of 1.47(a)[1] are complete in the subject petition.

Regarding item (2) of 37 CFR 1.47(a), applicants' have submitted evidence showing a declaration and assignment were sent to the nonsigning inventor by email on 31 August 2011. The email response by Mr. VU on the same day could be considered a written refusal to cooperate; however, applicants' must first demonstrate that the nonsigning inventor was provided a complete copy of the subject application (including specification, claims and drawings). MPEP § 409.03(d) states, in relevant part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

---

[1] The $200.00 petition fee was charged to Deposit Account No. 03-0678 as authorized. The declaration filed 30 August 2011 signed by Ansor Gäbler on behalf of the nonsigning inventor complies with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A).

Here, there is no evidence that a complete copy of the application was provided to Mr. VU at any time. The petition does not indicate this and the declarations of Johanna Herrmann and Ansor Gäbler also do not make this assertion. Moreover, it is not clear from the email evidence that a complete copy of the subject application was provided to Mr. VU with any of the attachments. As such, a refusal to cooperate cannot be shown.

For this reason, item (2) of 37 CFR 1.47(a) is not yet satisfied.

Concerning item (3), the 37 CFR 1.47(a) applicants must state the last known address of the nonsigning inventor in the petition. *See* MPEP § 409.03(e). This was not done. Item (3) of 37 CFR 1.47(a) is also not yet satisfied.

All of the requirements of 37 CFR 1.47(a) are not yet complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

27162
CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO
5 Becker Farm Road
Roseland, NJ 07068

MAILED

MAR 12 2012

PCT LEGAL ADMINISTRATION

In re Application of
VU *et al*
U.S. Application No.: 12/998,435
PCT No.: PCT/EP2009/063498
Int. Filing Date: 15 October 2009
Priority Date: 07 November 2008
Attorney Docket No.: 665560.145
For: SEPARATION METHOD AND APPARATUS FOR IMMISCIBLE FLUIDS

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 17 January 2012.

BACKGROUND

On 23 November 2011, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 17 January 2012, applicants filed the subject response which was accompanied by documentary evidence in support of the petition (Exh. A - B).

DISCUSSION

Applicants claim that co-inventor, Van-Khoi VU, refuses to join the subject application.

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1) and (4) of 1.47(a) were completed in the initial petition. The last known address of the nonsigning inventor was also provided in the initial petition. The prior decision erroneously stated that this address was not provided.

Therefore, item (3) of 37 CFR 1.47(a) is also complete.

Regarding item (2) of 37 CFR 1.47(a), applicants' previously submitted evidence showing a declaration and assignment were sent to the nonsigning inventor by e-mail on 31 August 2011. Mr. VU responded on the same day; however, there was no evidence that a complete copy of the application was provided to Mr. VU. As such, a refusal to join could not be shown.

In the renewed response, applicants have provided evidence showing that a complete copy of the subject application and declaration (Exh. A) were sent to Mr. VU on 20 December 2011. A reminder e-mail was sent to Mr. VU on 13 January 2012. There was no response.

A review of the evidence shows that the e-mail address used for the documents mailed 20 December 2011 for Mr. VU was shown to have reached him previously. Further, the actions of Mr. VU are consistent with his previous position listed in his e-mail dated 31 August 2011. The lack of a response by Mr. VU constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(a) is satisfied.

All items of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is hereby **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 15 October 2009 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 30 August 2011.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Van-Khoi Vu
51 rue Manin,
75109 Paris
France

MAILED
MAR 12 2012
PCT LEGAL ADMINISTRATION

In re Application of
VU *et al*
U.S. Application No.: 12/998,435
PCT No.: PCT/EP2009/063498
Int. Filing Date: 15 October 2009
Priority Date: 07 November 2008
Attorney Docket No.: 665560.145
For: SEPARATION METHOD AND APPARATUS FOR IMMISCIBLE FLUIDS

Dear Mr Vu:

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
James Thomson
Attorney Advisor
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Tel.: (571) 272-3302

CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO
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UNITED STATES PATENT AND TRADEMARK OFFICE

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K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

MAILED
JUN 22 2011
PCT LEGAL ADMINISTRATION

In re Application of NGUYEN et al :
U.S. Application No.: 12/998,458 :
PCT Application No.: PCT/US2009/059521 :
Int. Filing Date: 05 October 2009 : DECISION
Priority Date Claimed: 13 October 2008 :
Attorney Docket No.: :
ASP5073USPCT/080611PCTUS :
For: QUICK DISCONNECT FLUID CONNECTOR :

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 22 April 2011.

BACKGROUND

On 05 October 2009, applicant filed international application PCT/US2009/059521, which claimed priority of an earlier United States application filed 13 October 2008. The thirty-month period for paying the basic national fee in the United States expired on 13 April 2011.

On 14 April 2011, international application PCT/US2009/059521 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 April 2011, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

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
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MAILED

JUN 20 2011

PCT LEGAL ADMINISTRATION

K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of	:	
NGUYEN, Nick N.	:	
Application No.: 12/998,459	:	DECISION
PCT No.: PCT/US2009/059525	:	
Int. Filing Date: 05 October 2009	:	
Priority Date: 13 October 2008	:	
Attorney Docket No.: ASP5074USPCT/080610PCTUS	:	
For: FLUID CONNECTOR FOR	:	
ENDOSCOPIC REPROCESSING SYSTEM	:	

This decision is in response to applicants' submission filed 22 April 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 October 2009, applicants filed international application PCT/US2009/059525 which designated the U.S. and claimed a priority date of 13 October 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 April 2011.

On 22 April 2011, 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 22 April 2011.

As to item (2), applicant submitted the petition fee on 22 April 2011.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED

JUN 24 2011

PCT LEGAL ADMINISTRATION

K&L GATES LLP
210 SIXTH AVENUE
PITTSBURGH PA 15222-2613

In re Application of :
NGUYEN, Nick N. :
Application No.: 12/998,460 :
PCT No.: PCT/US2009/059517 :
Int. Filing Date: 05 October 2009 :
Priority Date: 13 October 2008 :
Att. Docket No.: ASP5072USPCT/080612PCTUS :
For: ENDOSCOPE CHANNEL SEPARATOR :

DECISION

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 22 April 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The fee for filing the search fee, examination fee or oath or declaration after 30 months from the priority date will be charged to deposit account no. 11-1110, 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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/23(PCT-EP (08-10)
Approved for use through 01/31/2013. OMB 0651-0028
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.	12/998466	Filing date:	April 25, 2011
First Named Inventor:	Joachim BARTHELME		
Title of the Invention:			

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/EP2009/063862

The international filing date of the corresponding PCT application(s) is/are: October 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

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(b). 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.:	12/998466
First Named Inventor:	Joachim BARTHELME

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 April 25, 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 April 25, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
45 - 64	1 - 20	Direct correspondence
65	21	U.S. claim amended to remove multiple dependency
66 - 86	22 - 42	Direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature:	Date: June 6, 2011
Name (Print/Type): Douglas R. Hanscom	Registration Number: 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 13 April 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/059698, filed on 28 July 2009 and published on 22 April 2010 under No. WO 2010/043430 A1. The undersigned further states that the prosecution document associated with PCT/EP2009/059698 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 1 March, 2011

2. This report comprises a total of 7 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 12 pages *(sent to the applicant and to the International Authority)*, which include

   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).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I **Basis of the Report**

1. With regard to **language**, this report is based on:

   the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on:

   the description, pages

3-6, 8-104	as originally filed/furnished
1, 1a, 2, 7	received with the letter dated 09 February 2011

   the claims, No.

1-42	received with the letter dated 09 February 2011

   the drawings, pages

1-46	as originally filed/furnished

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes: Claims 1-42 No: Claims
Inventive Step (IS)	Yes: Claims 1-42 No: Claims
Industrial Applicability (IA)	Yes: Claims 1-42 No: Claims

2. Citations and Explanations (Rule 70.7):
   <u>See supplementary pages</u>

INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY (SUPPLEMENTARY PAGES)

Box V.

1. Reference is made to the following documents:

D1 US 2007/272105 A1 (BURGESS DENNIS M [US] ET AL) 29 November 2007 (2007-11-29)

D2 DE 20 2007 011576 U1 (NEUMEISTER GEB GMBH [DE]) 31 October 2007 (2007-10-31), cited in the application

D3 DE 36 30 876 A1 (TOKYO KIKAI SEISAKUSHO LTD [JP]) 19 March 1987 (1987-03-19), cited in the application

D4 DE 10 2006 032203 A1 (KOENIG & BAUER AG [DE]) 17 January 2008 (2008-01-17), cited in the application

D5 DE 10 2006 032204 B3 (KOENIG & BAUER AG [DE]) 31 October 2007 (2007-10-31), cited in the application

D6 DE 10 2006 061452 A1 (ROLAND MAN DRUCKMASCH [DE]) 26 June 2008 (2008-06-26), cited in the application

D7 GB 2 413 530 A (GOSS GRAPHIC SYSTEMS LTD [GB]) 2 November 2005 (2005-11-02), cited in the application

D8 EP 1 878 570 A2 (KOENIG & BAUER AG [DE]) 16 January 2008 (2008-01-16), cited in the application

D9 EP 1 435 292 A1 (OHG GIOVANNI CERUTTI S P A [IT]) 7 July 2004 (2004-07-07), cited in the application

D10 EP 1 002 646 A1 (TOKYO KIKAI SEISAKUSHO LTD [JP]) 24 May 2000 (2000-05-24), cited in the application

D11 WO 2004/085153 A2 (KOENIG & BAUER AG [DE]; SCHNEIDER GEORG [DE]; SCHAEFER KARL ROBERT [DE]) 7 October 2004 (2004-10-07), cited in the application

D12 DE 103 14 341 B3 (KOENIG & BAUER AG [DE]) 12 August 2004 (2004-08-12), cited in the application

D13 US 4 727 807 A (SUZUKI KUNIO [JP] ET AL) 1 March 1988 (1988-03-01), cited in the application

D14 DE 10 2005 042756 A1 (WIFAG MASCHF [CH]) 29 March 2007 (2007-03-29), cited in the application

D15 DE 44 42 265 A1 (ROLAND MAN DRUCKMASCH [DE]) 30 May 1996 (1996-05-30), cited in the application

D16 DE 20 2008 012225 U1 (MANROLAND AG [DE]) 27 November 2008 (2008-11-27), cited in the application

D17 DE 102 20 424 A1 (SWISSLOG TELELIFT GMBH [DE]) 18 June 2003 (2003-06-18), cited in the application

D18 DE 40 03 445 A1 (ROLAND MAN DRUCKMASCH [DE]) 8 August 1991 (1991-08-08), cited in the application

2. D1 is considered to be the prior art closest to the subject matter of claim 1, and discloses a method for providing printing formes at installation positions on one of a plurality of forme cylinders disposed in a printing press (see, e.g., "FIELD OF TECHNOLOGY"; figure 23; [0050]: *"Pod elevator 4 moves the pods vertically from indexer 2 level to a second level in which the printing press is located."*; [0072]: *"The plates are loaded in a horizontal position. Pod 3 is then transported to a station in close proximity to a printing press."*),

- wherein a plurality of plate-type printing formes provided for the same printing process to be carried out in the printing press, said formes being flexible at least along their length (L), are provided at the output of a plate line which is arranged spatially separate from the printing press and comprises at least one plate exposure device (imager 18),

- wherein each of these printing formes is temporarily stored in a specific compartment of a mobile collecting container having a plurality of compartments, wherein the printing formes stored in the same mobile collecting container are provided at installation positions of the same forme cylinder (see, e.g., [0055]: *"Indexer module 2 is part of an integrated group of devices for transporting, loading, ejecting, and orienting plates. Indexer 2 pushes plates into a container (a pod 2) in succession by lowering the container incrementally as the plates are loaded into it by the pusher resulting in plates stacked in individual positions (compartments 200) one above another. The container can be swiveled through an arc of 90 degrees."*),

- wherein the respective compartment of the mobile collecting container, each compartment storing one of the printing formes, is selected on the basis of the intended installation position of the relevant printing forme on the relevant forme cylinder, using data provided by a control unit of a production planning system prior to the storage of said printing formes (see [0057]: *"... System controller 31 associates each of the imprinted bar codes with a single indexed compartment 200 of each pod 3. Typically, each of the printing plates moving within system 1 is imprinted with a bar code during, for example, the plate's initial entry into system 1"*),

- wherein printing formes stored in the mobile collecting container and to be provided to the same forme cylinder are transported to the printing press in their presorted

storage condition (see, e.g., [0897]: *"The fifth mode shown in Fig. 25 is the "eject plate" mode. After the pod elevator's delivery of the plate to a press area, system 1 sends the plate's bar coded information and identifiers for compartment 200 and pod 3 (sometimes referred to as the plate address) to the press-person. The information is most conveniently provided on an electronic display. Among other information, the information tells the press-person on which cylinder the ejected plate is to be placed. In this mode, the press-person signals system 1 to eject the identified plate out of its pod compartment 200 into the hands of the press operator. The press operator then locks the plate on the cylinder designated by the information sent to the display by system 1."*).

3. The subject matter of claim 1 therefore differs from the known method in that printing formes (01) that are no longer required for the printing process are removed from the printing press by the mobile collecting container (43) arranged on an operating side of the printing press, wherein at least one printing forme (01) removed in the mobile collecting container (43) from the printing press is automatically unloaded at an unloading station (98), wherein at the unloading station (98), the relevant mobile collecting container (43) is also registered on the basis of an identification code (104) formed thereon, and is therefore novel (PCT Article 33(2)).

4. The problem addressed by the present invention can be considered that of enabling a fully automatic plate logistics system in a printing press.

   D2-D18 do not contain any references to the features of the identifying part of claim 1.

   The solution to this problem proposed in claim 1 of the present application therefore involves an inventive step (PCT Article 33(3)).

5. Claims 2-42 are dependent on claim 1 and therefore also satisfy the requirements of the PCT in respect of novelty and inventive step.

Claims

1. A method for providing printing plates (01) at installation positions on one of a plurality of forme cylinders (06) disposed in a printing press and for disposing of used printing formes (01) from the printing press, wherein a plurality of plate-type printing formes (01) provided for the same printing process to be carried out in the printing press, said formes being flexible at least along the length (L) thereof, are provided at the output of a plate line that is spatially separate from the printing press and comprises at least one plate exposure device (33), wherein each of said printing formes (01) is temporarily stored in a specific compartment (58) of a mobile collecting container (43) having a plurality of compartments (58), wherein the printing formes (01) stored in the same mobile collecting container (43) are provided to installation positions of the same forme cylinder (06), wherein the respective compartment (58) of the mobile collecting container (43), each compartment storing one of the printing formes (01), is selected on the basis of the intended installation position of the relevant printing forme (01) on the relevant forme cylinder (06), using data provided by a control unit of a production planning system, before said printing formes (01) are placed in storage, wherein printing formes (01) stored in the mobile collecting container (43) and to be provided to the same forme cylinder (06) are conveyed to the printing press in their presorted storage condition, characterized in that printing formes (01) that are no longer required for the printing process are transported away from the printing press by the mobile collecting container (43) arranged on one operating side of the printing press, wherein at least one printing forme (01) transported away from the printing press in the mobile collecting container (43) is automatically unloaded at an unloading station (98), wherein at the unloading station (98), the relevant mobile collecting container (43) is also registered on the basis of an identification code (104) formed thereon.

2. The method according to claim 1, characterized in that at least one function of the production planning system is executed by a program module of a management system that comprises a plurality of program modules.

3. The method according to claim 2, characterized in that at least one function of a control plane is executed by each of various program modules of the management system, wherein a plurality of these control planes implemented by various program modules are hierarchically organized in relation to one another.

4. The method according to claim 2, characterized in that at least one function of a tracking plane (166) is executed by a first of the program modules of the management system.

5. The method according to claim 2, characterized in that at least one function of a planning plane (167) is executed by a second program module.

6. The method according to claim 2, characterized in that at least one function of a coordination plane (168) is executed by a third program module.

7. The method according to claim 2, characterized in that at least one function of an execution plane (169) is executed by a fourth program module.

8. The method according to claim 4, characterized in that at least one function of a print shop management and tracking system (171), which governs all the processes that are run in a print shop and are connected with the production of printed products, is executed in the tracking plane (166).

9. The method according to claim 5, characterized in that at least one function of the production planning system and at least one function of at least one control console (42) assigned to the printing press are executed in the planning plane (167).

10. The method according to claim 6, characterized in that at least one function of a sequence control module (173) for controlling the production of the printing formes (01) is executed in the coordination plane (168).

11. The method according to claim 6, characterized in that at least one function of a control module (174) for a plate logistics management system and for handling a plurality of mobile collecting containers (43) is executed in the coordination plane (168).

12. The method according to claim 6, characterized in that at least one function for controlling the plate exposure device (33) is executed in the coordination plane (168).

13. The method according to claim 7, characterized in that at least one function of a computer (34) of the prepress stage is executed in the execution plane (169).

14. The method according to claim 7, characterized in that at least one function for controlling a loading device, positioned at the end of the plate line, for loading the at least one mobile collecting container (43) with printing formes (01), is executed in the execution plane (169).

15. The method according to claim 7, characterized in that at least one function of a vehicle master computer (88) is executed in the execution plane (169), wherein the vehicle master computer (88) controls a sequence of movements of at least one transport vehicle (83), which transports the at least one mobile collecting container (43).

16. The method according to claim 7, characterized in that at least one function for controlling a gripper device (72) is executed in the execution plane (169), wherein the gripper device (72) carries out a change of printing formes (01) on the relevant forme cylinder (06) or wherein the gripper device (72) carries out a replacement of the at least one mobile collecting container (43) on a printing forme magazine (09) assigned to the relevant forme cylinder (06).

17. The method according to claim 7, characterized in that at least one function for controlling at least one conveyor device (80) assigned to the printing forme magazine (09) and/or at least one function for controlling a register device (132) and/or roller strip (139) assigned to the printing forme magazine (09) is executed in the execution plane (169).

18. The method according to claim 11, characterized in that communication between the control module (174) of the plate logistics management system, implemented in the coordination plane (168), and at least one device arranged in the same control plane and/or at least one device assigned to the execution plane (169) is carried out in each case via a bidirectional communications connection (177).

19. The method according to claim 2, characterized in that the following process steps are implemented via the management system: Exposure (151) of the printing formes (01) in the plate line, bending (152) the printing formes (01),

inspecting (153) the printing formes (01), loading (154) the mobile collecting container (43) with printing formes (01), transporting (156) the mobile collecting container (43) from the plate line to the printing press, changing (159) the printing formes (01) at installation positions of the forme cylinder (06), transporting (161) the mobile collecting container (43) from the printing press back to the plate line, disposal (162) of printing formes (01) that are no longer needed in the printing press, return (163) of the mobile collecting container (43) to the plate line.

20. The method according to claim 19, characterized in that the process step of temporarily storing (157) the printing formes (01) or the mobile collecting container (43) in the printing press is also carried out by the management system.

21. The method according to claim 19 or 20, characterized in that the process steps are carried out in sequence by the management system.

22. The method according to claim 1, characterized in that printing formes (01) are changed simultaneously at a pluraiity of installation positions of the relevant forme cylinder (06), arranged side by side in the axial direction thereof.

23. The method according to claim 1, characterized in that the at least one printing forme (01) to be changed on one of the forme cylinders (06) is stored in a storage position of the printing forme magazine (09) assigned to the relevant forme cylinder (06), and is supplied from this printing forme magazine (09) to the relevant installation position on the forme cylinder (06).

24. The method according to claim 23, characterized in that a plurality of the printing formes (01) that are stored, presorted, in the mobile collecting container (43) are

transferred simultaneously, in the correct position, to the respective storage positions of the at least one relevant printing forme magazine (09).

25. The method according to claim 23, characterized in that each of the printing formes (01) that are stored, presorted, in the mobile collecting container (43) is supplied by means of a gripper device (62) to the respective storage position of said printing forme magazine (09).

26. The method according to claim 1, characterized in that printing formes (01) at installation positions of forme cylinders (06) that are disposed on the same operating side of the printing press at different heights are changed simultaneously.

27. The method according to claim 23, characterized in that printing formes (01), which are arranged along a height (H) of the mobile collecting container (43) in compartments (58) in different horizontal planes, which are spaced a vertical distance (H1; H2) from one another, are changed simultaneously in pairs from compartments (58), each arranged at the distance (H1; H2), with storage positions of related printing forme magazines (09), arranged at the same vertical distance in the printing press.

28. The method according to claim 1, characterized in that the mobile collecting container (43) is moved automatically from the plate line to the printing press.

29. The method according to claim 1, characterized in that the movement of the mobile collecting container (43) is controlled from a control console belonging to the printing press.

30. The method according to claim 1, characterized in that the mobile collecting container (43) is moved on a height-adjustable walkway (49) disposed on the

relevant operating side of the printing press.

31. The method according to claim 30, characterized in that the mobile collecting container (43) is aligned on the walkway (49) along the axial direction of the forme cylinder (06), and is fixed in place in this alignment.

32. The method according to claim 30, characterized in that the compartments (58) arranged fixed in position at their respective heights in the mobile collecting container (43) are adjusted by a lifting movement of the walkway (49) which supports said mobile collecting container (43), to a height which can be selected on the relevant operating side of the printing press.

33. The method according to claim 1, characterized in that the printing formes (01) to be stored in the mobile collecting container (43) are assigned to specific compartments (58) of said mobile collecting container (43), each following the scanning of a code applied to said forme.

34. The method according to claim 33, characterized in that the code is applied in the plate line to the printing formes (01) to be stored in the mobile collecting container (43).

35. The method according to claim 1, characterized in that the mobile collecting container (43) is transported to the operating side of a printing press embodied as an eight-couple tower, having four forme cylinders (06) arranged vertically, one above the other, on said operating side.

36. The method according to claim 1, characterized in that one mobile collecting container (43) is moved to each of the two operating sides of the printing press embodied as a printing unit (44; 44.1; 44.2).

37. The method according to claim 1, characterized in that a plurality of mobile collecting containers (43) are arranged with their respective end surfaces in a row in the axial direction of the relevant forme cylinder (06), on the same operating side of the printing press.

38. The method according to claim 1, characterized in that the position of each of the printing formes (01) stored in the relevant mobile collecting container (43) is displayed on a display device (52).

39. The method according to claim 1, characterized in that both single-width printing formes (01) and multiple-width printing formes (01) are stored in the mobile collecting container (43).

40. The method according to claim 1, characterized in that the printing formes (01) stored in the compartments (58), at least in the transport path from the plate line to the printing press, are held with their entire length (L) within the interior of the mobile collecting container (43).

41. The method according to claim 1, characterized in that the mobile collecting container (43) is transported away from its relevant operating side of the printing press prior to a start or a restart of a production run in the printing press.

42. The method according to claim 1, characterized in that a control device provided at the end of the plate line checks to ensure that the printing formes (01) are arranged correctly in the mobile collecting container (43) according to the order.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/998,466	04/25/2011	Joachim Barthelme	W1.3094 PCT-US	5918

23294 7590 06/13/2011
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER

ART UNIT	PAPER NUMBER
2854	

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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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of	
BARTHELME et al.	**: DECISION ON REQUEST TO**
Application No.: 12/998,466	**: PARTICIPATE IN THE PATENT**
Filed: 25 April 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: W1.3094 PCT-US	**: PROGRAM AND PETITION**
For: METHOD FOR PROVIDING	**: TO MAKE SPECIAL UNDER**
PRINTING FORMES AT	**: 37 CFR 1.102(a)**
INSTALLATION POSITIONS ...	

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 06 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, 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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JUL 26 2011

PCT LEGAL ADMINISTRATION

Jacobs Patent Office
P.O. Box 390438
Cambridge MA 02139

In re Application of	:	
CALLAULT	:	
Application No.: 12/998,509	:	DECISION
PCT No.: PCT/EP2009/064302	:	
International Filing Date: 29 October 2009	:	
Priority Date: 31 October 2008	:	
Attorney Docket No.: PCT-Bag-101	:	
For: METHOD AND DEVICE FOR MAKING A BAG	:	

This decision is in response to applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 23 May 2011.

BACKGROUND

On 29 October 2009, applicant filed international application PCT/EP2009/064302 which designated the U.S. and claimed a priority date of 31 October 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 May 2011 (30 April 2011 being a Saturday).

On 28 April 2011, applicant filed a transmittal letter for entry into the national stage in the United States. The submission was not accompanied by the U.S. Basic National Fee.

On 20 May 2011, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT indicating that the application was abandoned for failure to provide the U.S. Basic National Fee by thirty months from the priority date.

On 23 May 2011, applicant filed the instant petition to revive under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the U.S. Basic National Fee was paid on 23 May 2011.

As to item (2), the petition fee was paid on 23 May 2011.

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.

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0068
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:	12/998,528	Filing date:	April 29, 2011
First Named Inventor:	Burkard Otto HERBERT		
Title of the Invention:	Superstructure of a Printing Press, and Methods for Using a Printing Press		

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/EP2009/063462

The international filing date of the corresponding PCT application(s) is/are: October 15, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached

☒ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ is attached.

☒ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(a). This 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 needs of each 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.:	12/998,528
First Named Inventor:	Burkard Otto HERBERT

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/SA, WO/IPEA, IPER) of the corresponding PCT application.

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on April 29, 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 April 29, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
69, 70	1, 2	Direct correspondence
71	3	U.S. claim amended to remove multiple dependency
72 - 75	4 - 7	Direct correspondence
76 - 83	8 - 15	U.S. claims amended to remove multiple dependencies
84 - 86	16 - 18	Direct correspondence
87 - 92	20 - 25	U.S. claims amended to remove multiple dependencies
93 - 97	27 - 31	Direct correspondence
98	33	U.S. claim amended to remove multiple dependency and to overcome observation of Box VIII of IPER

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date June 6, 2011
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 28 April 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/063462, filed on 15 October 2009 and published on 6 May 2010 under No. WO 2010/049278 A2. The undersigned further states that the prosecution document associated with PCT/EP2009/063462 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 19 April, 2011

2. This report comprises a total of 8 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 1-11 pages *(sent to the applicant and to the International Authority)*, which include

   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).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box IV Lack of Unity of Invention

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box VIII Certain observations on the international application

Box I **Basis of the Report**

1. With regard to **language**, this report is based on:

   the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on:

   the description, pages

3-29	as originally filed/furnished
1, 2, 2a	received with the letter dated 18 May 2010

   the claims, No.

1-33	received with the letter dated 18 May 2010

   the drawings, pages

1-25	as originally filed/furnished

Box IV **Lack of Unity of Invention**

1. In response to the invitation to restrict the claims or to pay additional fees, the application has timely paid the additional fees.

3. In the opinion of the Authority, the requirement of unity of invention has not been met for the following reasons: **see supplementary sheet**

4. Therefore, the report has been established for the following parts of the international application:

   Those parts that relate to claims 1-18, 20-25, 27-31, and 33.

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes:	Claims 1-18, 20-25, 27-31, 33
	No:	Claims
Inventive Step (IS)	Yes:	Claims 1-18, 20-25, 27-31, 33
	No:	Claims
Industrial Applicability (IA)	Yes:	Claims 1-18, 20-25, 27-31, 33
	No:	Claims

2. Citations and Explanations (Rule 70.7):
   See supplementary pages

INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY (SUPPLEMENTARY PAGES)

1. Reference is made to the following documents:

D1 DE 100 22 964 A1 (KOENIG & BAUER AG [DE]) 18 October 2001 (2001-10-18), cited in the application

D2 DE 103 11 636 A1 (KOENIG & BAUER AG [DE]) 4 November 2004 (2004-11-04), cited in the application

D3 DE 44 19 217 A1 (ROLAND MAN DRUCKMASCH [DE]) 7 December 1995 (1995-12-07), cited in the application

D4 EP 1 477 311 A1 (MITSUBISHI HEAVY IND LTD [JP]) 17 November 2004 (2004-11-17)

D5 WO 2007/020285 A1 (KOENIG & BAUER AG [DE]; ECKERT GUENTHER OSKAR [DE]; HERBERT BURKARD OT) 22 February 2007 (2007-02-22)

2. **Re Box IV:**

2.1 This Authority has determined that the international application contains multiple inventions or groups of inventions, which are not connected to one another by a single, common inventive idea (PCT Rule 13.1), specifically:

I: Claims 1-15
II: Claims 16-18 and in part claims 20-25, 27-31, and 33

The reasons are as follows:

2.2 The common or corresponding technical features of all independent claims are:

- A turning tower through which a web (ribbon) can be deflected 90°.

2.3 The search resulted in the following prior art document which is relevant to the assessment of unity of invention: DE 100 22 964 A1 (D1) or EP 1 477 311 (D4). Document D1 discloses a turning tower through which a web (ribbon) can be deflected 90°. See also D4 (drawings 1 and 2) or D5. Therefore, this idea is not novel.

2.4 A comparison of the aforementioned groups of claims with the cited document shows that the following features contribute to the prior art, and can therefore be considered a special technical feature (PCT Rule 13.2):

Group I: A superstructure of a printing press comprising a turning tower (07) with at least one first turning bar (17), which can be used to deflect a web ribbon 90 [deg.] in its direction

of transport, and with at least one second turning bar (16), which is shorter than the first turning bar (17), and which can be used to deflect a web ribbon 90 [deg.] in its direction of transport, to the same direction as the first web ribbon, wherein the first and second turning bars (17; 16) are arranged in the same turning tower (07) offset vertically, in that the first turning bar (17) is at least supported at both ends on a first and a second side frame (12; 14), and the second turning bar (16) is mounted at only one end, cantilevered, on the first of the side frames (12), and in that the second frame side (14) is embodied with access (13) in this frame side (14) into the interior of the turning tower (07).

Group II: A printing press comprising at least one first printing unit (01) and one turning tower (07) disposed in the same machine alignment (F), through which a web (02; 02'), or a partial web (02.x; 02'.y) cut from said web, guided through the printing unit (01), can be deflected 90 [deg.] out of the machine alignment (F) to a former structure (08; 08'), which is aligned with the turning tower and which is aligned, in terms of its direction of web travel of the entering web (02; 02') or partial web (02.x; 02'.y), rotated 90 [deg.] from the machine alignment (F), and which has at least one former plane with at least two fold formers (09.1; 09.2) arranged side by side, wherein the widths of the two fold formers (09.1; 09.2) are different from one another, and at least one of the two fold formers (09.1; 09.2) is embodied as **movable transversely to the direction of web travel**.

2.5 Therefore, the groups of claims are not connected by common or corresponding special technical features, and define 2 different inventions which are not connected by a single common inventive idea.

Therefore, the application fails to comply with the requirement of unity of invention (PCT Rule 13.1 and 13.2).

3. **Re Box V.**

3.1 Claims 1-15 and 26:

D4 (EP 1 477 311) is considered to be the prior art closest to the subject matter of claim 1 and discloses all the features of the preamble of claim 1 (see figure 1 and the turning bar 17, 18, 22).

The subject matter of claim 1 therefore differs from the known superstructure in that the first and second turning bars (17; 16) in the same turning tower (07) are arranged offset vertically from one another, in that the first turning bar (17) is at least supported at both of its ends, one on a first and one on a second side frame (12; 14), and the second turning bar (16) is mounted cantilevered at only one end on the first of the side frames (12), and in that the second frame side (14) is embodied with an access (13) in said frame side (14) into the interior of the turning tower (07), and is therefore novel (PCT Article 33(2)).

Documents D1-D3 and D5 do not contain any reference to these features. The subject matter of claim 1 is therefore inventive (PCT Article 33(3)).

Claims 2-15 and 26 are dependent on claim 1 and therefore also meet the requirements of the PCT in respect of novelty and inventive step.

3.2 Claims 16-18 and claims 20-25, 27-31 and 33, in part:

D5 (WO 2007/020285) is considered to be the prior art closest to the subject matter of claim 16, and discloses all the features of the preamble to claim 16 (see, e.g., figure 1).

The subject matter of claim 16 therefore differs from the known superstructure in that the widths of the two fold formers (09.1; 09.2) are different from one another, and at least one of the two fold formers (09.1; 09.2) is embodied as movable transversely to the direction of web travel, and is therefore novel (PCT Article 33(2)).

Documents D1-D4 do not contain any reference to these features. The subject matter of claim 16 is therefore inventive (PCT Article 33(3)).

Claims 17-18, and claims 20-25, 27-31, and 33, in part, are dependent on claim 16 and therefore also meet the requirements of the PCT in respect of novelty and inventive step.

Box VIII.

Claim 33 is unclear. Claims 16, 29 and 32 do not contain the feature "*usable width*".

Claims

1. A superstructure of a printing press comprising a turning tower (07) with at least one first turning bar (17), which can be used to deflect a web ribbon 90° in its direction of transport, and with at least one second turning bar (16), which is shorter than the first turning bar (17), and which can be used to deflect a web ribbon 90° in its direction of transport, to the same direction as the first web ribbon, characterized in that the first and second turning bars (17; 16) are arranged in the same turning tower (07) offset vertically, in that the first turning bar (17) is at least supported at both ends on a first and a second side frame (12; 14) and the second turning bar (16) is mounted at only one end, cantilevered, on the first of the side frames (12), and in that the second frame side (14) is embodied with access (13) in this frame side (14) into the interior of the turning tower (07).

2. The superstructure according to claim 1, characterized in that the first turning bar (17) is attached at a first end to a first side frame (12), more particularly, to the side frame (12) the lies closer to a web ribbon intake (E), so as to be stationary in all directions in space, and at its second end is merely supported on the second side frame (14) and/or is connected in such a way that the connection between turning bar (17) and side frame (14) is open with respect to relative movement in at least one direction in space.

3. The superstructure according to claim 1 or 2, characterized in that the length (L17) of the first turning bar (17) projected over the width of an exiting web ribbon corresponds at least to the effective width of two fold formers (09; 11) arranged side by side downstream, and/or at least two-thirds of a maximum web width (b_max) to be processed in the printing press, in that the length (L16) of the

second turning bar (16), preferably projected over the width of an exiting web ribbon, corresponds to less than the effective width of two fold formers (09, 11) arranged side by side downstream, and/or less than two-thirds of a maximum web width (b_max) to be processed in the printing press.

4. The superstructure according to claim 1, characterized in that the first side frame (12) or a cross member (24) of the first side frame (12) extends over at least the width of a maximum web width (b_max) to be processed in the printing press.

5. The superstructure according to claim 1, characterized in that the second side frame (14) is embodied as not continuous over the entire width of the machine, such that at least one access (13), particularly a through opening (13), is formed in this frame side of the turning tower (07).

6. The superstructure according to claim 5, characterized in that a frame section (19) of the second side frame (14) or a support (22) that supports the first turning bar (17) extends from one side of the printing press over less than one-half the width of a maximum web width (b_max) to be processed in the printing press.

7. The superstructure according to claim 6, characterized in that an additional frame section (19) of the second side frame (14) or an additional support (22) extends from the other side of the printing press over a part of the width of a maximum web width (b_max) to be processed in the printing press, such that between the first support (22) and the second support (22) or between the frame sections

(19), free access (13) to the turning tower (07) is left.

8. The superstructure according to one or more of the preceding claims, characterized in that the second and/or first turning bar (17; 16) is embodied as movable transversely to the direction of transport of the web ribbon intake (E).

9. The superstructure according to one or more of the preceding claims, characterized in that the frame side (14) having the access (13) is provided on the side opposite a web ribbon intake (E) and/or on a side of the turning tower (07) that is opposite a side that has longitudinal cutting devices (33).

10. The superstructure according to one or more of the preceding claims, characterized in that the first turning bar (17) is arranged on a carriage (23) so as to be detachable and replaceable with a turning bar (16) of the second type.

11. The superstructure according to one or more of the preceding claims, characterized in that the first turning bar (17) is formed by extending a turning bar (16) of the second type.

12. The superstructure according to one or more of the preceding claims, characterized in that the first turning bar (17) can be disposed on a carriage (23) so as to be displaceable 90°, or can be disposed on the carriage (23) in two sections that are offset 90° in relation to one another.

13. The superstructure according to one or more of the preceding claims, characterized in that a web (02; 02') or partial web (02.x; 02'.y) having four printed pages, particularly newspaper pages in broadsheet format, side by

side, is guided or can be guided over the first turning bar (17).

14. The superstructure according to one or more of the preceding claims, characterized in that a plurality of rollers (26) are arranged on the side of the turning bars (16; 17) that is opposite the side of web ribbon intake (E), via which rollers a web (02; 02') or partial web (02.x; 02'.y) passing horizontally through the turning tower (07) from the side of the web ribbon intake (E) can be or is guided from this opposite side to a turning bar (16; 17).

15. The superstructure according to one or more of the preceding claims, characterized in that at least one longitudinal cutting device (33) having at least two blades (34), which are spaced from one another transversely to the direction of web travel, more particularly, are positionable in their bearing transversely to the direction of web travel, is situated upstream of the turning tower (07).

16. A printing press comprising at least one first printing unit (01) and one turning tower (07) disposed in the same machine alignment (F), through which a web (02; 02'), or a partial web (02.x; 02'.y) cut from said web, guided through the printing unit (01), can be deflected 90° out of the machine alignment (F) to a former structure (08; 08'), which is aligned with the turning tower and which is aligned, in terms of its direction of web travel of the entering web (02; 02') or partial web (02.x; 02'.y), rotated 90° from the machine alignment (F), and which has at least one former plane with at least two fold formers (09.1; 09.2) arranged side by side, characterized in that the usable widths of the two fold formers (09.1; 09.2) are different from one another, and in that at least one of the two fold formers (09.1; 09.2) is embodied as movable transversely to the direction of web travel.

17. The printing press according to claim 16, characterized by at least one first printing unit (01), a dryer (04), with which a web (02') which has passed through

the first printing unit (01) can be guided on a first web path, at least one second printing unit (01), and a turning tower (07), wherein between the second printing unit (01) and the turning tower (07) a web path without a dryer is provided.

18. The printing press according to claim 17, characterized in that a web (02') or a partial web (02'.y) cut longitudinally from this, fed through the first printing unit (01) and the dryer (04), and a web (02) or a partial web (02.x) cut longitudinally from this, fed through the second printing unit (01) on the web path without a dryer, can be fed or are fed simultaneously and/or alternatively to turning bars (16, 17) of the turning tower (07).

19. The printing press with at least one first printing unit (01), a dryer (04), through which a web (02') that has passed through the first printing unit (01) can be guided on a first web path, at least one second printing unit (01), and a turning tower (07), wherein between the second printing unit (01) and the turning tower (07) a web path without a dryer is provided, characterized in that a web (02') or a partial web (02'.y) cut longitudinally from this, fed through the first printing unit (01) and the dryer (04), and a web (02) or a partial web (02.x) cut longitudinally from this, fed through the second printing unit (01) on the web path without a dryer, can be fed or are fed simultaneously to turning bars (16, 17) of the turning tower (07), in that the at least one first printing unit (01), the at least one second printing unit (01), the dryer (04) and the turning tower (08) are arranged in the same machine alignment (F), and in that webs (02; 02') or partial webs (02.x; 02'.y) coming both from the first printing unit (01) and from the second printing unit (01) can be deflected via the turning tower (07) 90° out of the machine alignment (F) to a former structure (08; 08'), which is aligned rotated 90° in relation to the machine alignment (F) in terms of its direction of web travel of the

entering web (02; 02') or partial web (02.x; 02'.y).

20. The printing press according to claim 17 or 19, characterized in that the first and the second printing unit (01) have the same nominal width, more particularly, are embodied as triple-width.

21. The printing press according to claim 17, 19 or 20, characterized in that the first and second printing units (01) are embodied as printing towers (01) having a substantially vertical web path and a plurality of print positions arranged vertically one above the other.

22. The printing press according to claim 16 or 19, characterized in that at least one, preferably all, of the first printing units (01) are embodied with forme cylinders (05), which have at least one groove extending over the entire effective width thereof and intended for fastening the ends of printing formes.

23. The printing press according to claim 22, characterized in that in at least one operating situation, these forme cylinders (05) can be or are loaded with only one printing forme, more particularly with one printing forme which extends over more than one-half the effective cylinder length in the axial direction.

24. The printing press according to claim 16 or 19, characterized by a superstructure (06) according to one or more of claims 1 to 15.

25. A method for using a printing press according to claim 17 or 19, characterized in that in one operating situation, at least one web ribbon of a web (02') or partial web (02'.y) which has been fed through the dryer (04) and at least one web ribbon of a web (02) or partial web (02.x) which has passed through without a

dryer (04) are fed via the turning tower (07) to the former structure (08; 08') and combined to form a combined ribbon bundle.

26. The printing press according to claim 19, characterized in that the usable widths of the two fold formers (09.1; 09.2) are different from one another, and at least one of the two fold formers (09.1; 09.2) is embodied as movable transversely to the direction of web travel.

27. The printing press according to claim 16 or 26, characterized in that in at least one operating situation the two fold formers (09.1; 09.2) are arranged in the alignment of the turning tower (07).

28. The printing press according to claim 16 or 19, characterized in that two folding units (15) are situated downstream of the former structure (08; 08').

29. The printing press according to claim 16 or 19, characterized in that the former structure (08; 08') has another fold former (11) in another plane, the width of which extends over a center plane of the effective width of the former structure (08).

30. The printing press according to claim 16 or 19, characterized in that two former structures (08; 08'), particularly arranged one in front of the other in the direction of web travel, are situated downstream of the turning tower (07).

31. The printing press according to claim 16 or 19, characterized in that two folding units (15) are situated downstream of the turning tower (07).

32. The printing press according to claim 19, characterized in that the former structure (08; 08') has one fold former (09.1; 09.2; 11) that is narrower in terms of a usable width, and one that is wider.

33. A method for using a printing press according to claim 16, 29 or 32, characterized in that in one operating situation, the fold former (09.1; 11) having the larger usable width is operated over an effective width which is smaller than the usable width.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/998,528	04/29/2011	Burkard Otto Herbert	W1.3139 PCT-US	6088

23294 7590 06/23/2011
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
06/23/2011	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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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of	
Burkard HERBERT	**: DECISION ON REQUEST TO**
Application No.: 12/998,528	**: PARTICIPATE IN THE PATENT**
Filed: 29 April 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: W1.3139 PCT-US	**: PROGRAM AND PETITION**
For: SUPERSTRUCTURE OF A	**: TO MAKE SPECIAL UNDER**
PRINTING PRESS, AND METHODS	**: 37 CFR 1.102(a)**
FOR USING A PRINTING PRESS	

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 06 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, 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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JUL 08 2011

PCT LEGAL ADMINISTRATION

Mark Rodgers
46 Olive Mill Road
Santa Barbara CA 93108

In re Application of	:	
ALFERMANN, Dirk, et al.	:	
Application No.: 12/998,540	:	
PCT No.: PCT/EP2008/006724	:	
Int. Filing Date: 15 August 2008	:	DECISION
Priority Date: 15 August 2008	:	
Att. Docket No.: 0311101	:	
For: DRILLING RIG FOR DEEP WELL DRILLING	:	

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 29 April 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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901 NORTH GLEBE ROAD
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ARLINGTON VA 22203

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Kim, et al.	:	ON PETITION
Application No. 12/998,544	:	
Filed: April 29, 2011	:	
Attorney Docket Number: BJS-3260-61	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed April 29, 2011, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2884 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/998,559	05/02/2011	Matoko Nagasawa	52433/1088	6679

26646 7590 11/07/2011
KENYON & KENYON LLP
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NEW YORK, NY 10004

EXAMINER
LAVILLA, MICHAEL E

ART UNIT	PAPER NUMBER
1784	

MAIL DATE	DELIVERY MODE
11/07/2011	PAPER

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The time period for reply, if any, is set in the attached communication.

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11/7/11

BC

In re application of Matoko Nagasawa et al. Serial No. 12/998,559 Filed: May 02, 2011 For: CORROSION-RESISTANT STEEL FOR CHIMNEY/FLUE USE IN NATURAL GAS-FIRED OR LIQUIFIED PETROLEUM GAS-FIRED PLANTS	: : : : : : : :	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) to make the above-identified application special filed July 22, 2011.

The request and petition are **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the 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); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is denied. The request fails to meet requirement item (4) above, since the examination of the U.S. application has begun and a non-final rejection was mailed on September 15, 2011.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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SEP 27 2011

PCT LEGAL ADMINISTRATION

KANESAKA BERNER AND PARTNERS LLP
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SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of YASUIKE et al.

Application No.: 12/998,583 : DECISION ON

PCT No.: PCT/JP09/68112 :

Int. Filing Date: 21 October 2009 : DECLARATION

Priority Date: 19 November 2008 :

Attorney Docket No: SHI-049 :

For: PROCESS FOR TREATMENT OF WATER CONTAINING AZOLE-TYPE ANTICORROSIVE FOR COPPER :

This is a decision on Applicant's "Submission of Declaration" to correct the inventor's name to Tomoharu YASUIKE filed on 26 July 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 May 2011, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee.

On 03 June 2011, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for providing the oath or declaration after the thirty month period, was required.

On 26 July 2011, applicant filed a response to the Notification of Missing Requirements along with a declaration executed by the inventors. The published international application identified the first inventor as Yuji YASUIKE. However, the declaration submitted on 26 July 2011 identified the first inventor as Tomoharu YASUIKE and was executed as such.

DISCUSSION

A review of the application file reveals that the given name of the first inventor as listed on the published international application is "Yuji TASUIKE". The declaration, filed on 26 July 2011, identified and was signed by "Tomoharu YASUIKE". Applicant explains that the inventor's name was misspelled and incorrectly identified in the international application. The explanation is acceptable and noted for the record. The USPTO records will be corrected to reflect the name of the first inventor is Tomoharu YASUIKE. The declaration, submitted on 26 July 2011, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

CONCLUSION

For the above reasons, the request to correct the respective inventor's name to Tomoharu YASUIKE is **GRANTED**. The declaration, submitted on 26 July 2011, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 26 July 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

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.	12/998,584	Filing date:	May 5, 2011
First Named Inventor:	Frank OTTE		
Title of the Invention:	Print Head Having Integrated Deflecting Electrodes		

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/ESC/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/EP2009/063735

The international filing date of the corresponding PCT application(s) is/are: October 20, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(b). 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.:	12/998,584
First Named Inventor:	Frank OTTE

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 May 5, 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 May 5, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
14 - 19	1 - 6	Direct correspondence
20	7	U.S. claim amended to remove multiple dependency
21, 22	8, 9	Direct correspondence
23	10	U.S. claim amended to remove multiple dependency
24	11	Direct correspondence
25	12	U.S. claim amended to remove multiple dependency
26	13	Direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature:	Date: June 6, 2011
Name (Print/Typed): Douglas R. Hanscom	Registration Number: 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 3 May 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/063735, filed on 20 October 2009 and published on 14 May 2010 under No. WO 2010/052125 A1. The undersigned further states that the prosecution document associated with PCT/EP2009/063735 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 16 February, 2011

2. This report comprises a total of 5 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 12 pages *(sent to the applicant and to the International Authority)*, which include

   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).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language**, this report is based on:

   the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on:

   the description, pages

2, 3, 6, 7, 10, 11, 15	as originally filed/furnished
1, 4, 4a, 5, 8, 9, 12-14	received with the application for preliminary international examination

   the claims, No.

1-13	received with the application for preliminary international examination

the drawings, pages

1/2-2/2 as originally filed/furnished

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes: Claims 1-13 No: Claims
Inventive Step (IS)	Yes: Claims 1-13 No: Claims
Industrial Applicability (IA)	Yes: Claims 1-13 No: Claims

2. Citations and Explanations (Rule 70.7):
See supplementary pages

INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY (SUPPLEMENTARY PAGES)

Reference is made to the following document:

D1 US 4 743 922 A (REGNAULT LUC [FR] ET AL) 10 May 1988 (1988-05-10)

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) a system for a continuous inkjet printer with a print head (1) comprising a housing (2) that holds the components of the print head (1) and is made of at least two housing parts (130, 180) that can be separated, between which a cavity traversed by the produced ink jet is arranged [see figure 4].

The subject matter of claim 1 therefore differs from the known system in that an insert is arranged on each of the housing parts, and in that the cavity traversed by the ink jet is formed between the joined inserts, and in that such surface areas of a respective insert which bound the cavity merge seamlessly into one another, particularly forming smooth surfaces without gaps, edges or undercuts, and is therefore novel (PCT Article 33(2)).

The problem to be solved by the present invention can be considered that of enabling a simple and complete cleaning, and restoring problem-free operation of the print head associated with this, in the shortest possible time.

The solution to this problem proposed in claim 1 of the present application involves an inventive step for the following reasons (PCT Article 33(3)): This solution is not mentioned in any of the documents cited in the international search report, and is not suggested by a combination of these documents. Moreover, a simple and complete cleaning of the print head is not suggested in D1. Therefore, a person skilled in the art would not be prompted to modify the system of D1 accordingly.

Claims 2-13 are dependent on claim 1 and therefore also meet the requirements of the PCT in respect of novelty and inventive step.

10. The system according to claim 5 or claim 6, characterized in that at least the surface areas (51a; 52a / 51b; 52b; 54a) of the inserts (50a; 50b) that bound the cavity and the surfaces of the electrodes (20a; 20b; 8a; 8b; 80) have an anti-stick coating or ink-repellent coating.

11. The system according to claim 1, characterized in that the upper part (1b) and the lower part (1a) of the print head and the respective inserts (50a; 50b) each have permanently mounted plug-type connectors which engage with one another to allow a replacement of the respective insert (50a; 50b) and which produce an electrical connection.

12. The system according to claim 5 or claim 6, characterized in that the electrodes (20a; 20b; 8a; 8b; 80) are connected to electrical leads provided in the lower part and in the upper part via plug-type connections integrated into the inserts (50a; 50b).

13. The system according to claim 1, characterized in that the cavity traversed by the ink jet is separated from all the other components of the print head by the positioning of said cavity between the inserts (50a; 50b).

Claims

1. A system for a continuous inkjet printer comprising a print head having a housing (1) that holds the components of the print head and is made of at least two housing parts (1a, 1b) that can be separated and that, more particularly, are fastened to one another in an articulated manner, between which a cavity traversed by a produced ink jet is disposed, characterized in that an insert (50a; 50b) is arranged on each of the housing parts (1a; 1b), and in that the cavity traversed by the ink jet is formed between the joined inserts (50a; 50b), and in that those surface areas (51a; 52a / 51b; 52b) of each insert (50a; 50b) that bound the cavity are embodied as merging seamlessly into one another, particularly forming smooth surfaces without gaps, edges, or undercuts.

2. The system according to claim 1, characterized in that the housing parts (1a; 1b) are formed by a lower part (1a) and an upper part (1b), which are particularly connected to one another in an articulated manner, wherein the surface areas (51a; 52a) of the insert (50a) for the lower part (1a) that bound the cavity form a surface having a concave curvature in at least one first direction, and the surface areas (51b; 52b) of the insert (50b) for the upper part (1b) that bound the cavity form a surface having a concave curvature in at least one second direction, which is perpendicular to the first.

3. The system according to claim 1, characterized in that each insert (50a; 50b) is embodied as integral with the respective housing part (1a; 1b).

4. The system according to claim 1, characterized in that each insert (50a; 50b) is detachably connected to the respective housing part (1a; 1b), particularly by means of a latch- and/or snap-type connection.

5. The print system according to claim 1, characterized in that in the surface areas

(51a; 52a / 51b; 52b) of the inserts (50a; 50b) that bound the cavity, electrodes (20a; 20b; 8a; 8b; 80), particularly deflecting electrodes (20a; 20b) and/or charging electrodes (8a; 8b) and/or a charge tester electrode (80), are recessed, flush with the surface, particularly without gaps, for which purpose openings (20a'; 20b'; 8a'; 8b'; 80') for accommodating the electrodes (20a; 20b; 8a; 8b; 80) are particularly arranged in the inserts (50a; 50b).

6. The system according to claim 1, characterized in that below the surface areas (51a; 52a / 51b; 52b) of the inserts (50a; 50b) that bound the cavity, electrodes (20a; 20b; 8a; 8b; 80), particularly deflecting electrodes (20a; 20b) and/or charging electrodes (8a; 8b) and/or a charge tester electrode (80), are arranged, particularly in a region of reduced material thickness.

7. The system according to claim 5 or claim 6, characterized in that in each case, one electrode of a pair of deflecting electrodes (20; 20a) and one electrode of a pair of homopolar charging electrodes (8a; 8b) is arranged in each of the inserts (50a; 50b), and in that opposite pairs of electrodes are formed by joining the housing parts (1a; 1b).

8. The system according to claim 1, characterized in that an insert (50a), particularly the insert (50a) for the lower part (1a), has a high surface (53a) that covers the pressure chamber (5), and a low surface (52a), located in the direction of ink transport, wherein in a surface (51a) that connects these surfaces (53a; 52a), which is curved and merges seamlessly into the low surface (52a), an outlet opening (6') for the ink jet is arranged, said jet extending over the low surface (52a).

9. The system according to claim 8, characterized in that the low surface (52a) in the direction of ink travel merges, curved, into an upright surface (54a), in which an outlet gap (1d) and/or a collection opening (18) for the ink jet is located.

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.
12/998,584	05/05/2011	Frank Otte	V1.0095 PCT-US	2357

23294 7590 06/27/2011
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER

ART UNIT	PAPER NUMBER
2853	

MAIL DATE	DELIVERY MODE
06/27/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of	
Frank OTTE	**: DECISION ON REQUEST TO**
Application No.: 12/998,584	**: PARTICIPATE IN THE PATENT**
Filed: 05 May 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: V1.0095 PCT-US	**: PROGRAM AND PETITION**
For: PRINT HEAD HAVING	**: TO MAKE SPECIAL UNDER**
INTEGRATED DEFLECTING	**: 37 CFR 1.102(a)**
ELECTRODES	

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 06 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, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 23 2011

PCT LEGAL ADMINISTRATION

Farjami & Farjami LLP
26522 La Alameda Avenue, Suite 360
Mission Viejo CA 92691

In re Application of :
BAUSCH et al. :
Application No.: 12/998,632 :
PCT No.: PCT/EP2009/008133 :
Int. Filing Date: 16 November 2009 : DECISION ON REQUEST
Priority Date: 19 November 2008 :
Attorney Docket No.: FPWE142 :
For: HEAT EXCHANGER AND METHOD FOR PRODUCTION THEREOF

This decision is issued in response to applicant's "Petition to Correct Inventorship under 37 CFR 1.48" dated 29 July 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 16 November 2009, applicant filed international application PCT/EP2009/008133 which claimed a priority date of 05 May 2008. The international application named Christian Bausch and Jurgen Berger as applicants/inventors. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 19 May 2011.

On 10 May 2011, applicant filed a transmittal letter for entry into the national stage in the United States which included the basic national fee.

On 24 May 2011, 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 Christian Bausch and Jurgen Berger as applicant/inventors. Applicants request to add Jens Grieser as an 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 (Jens Grieser) 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, the submission included the consent of the assignee to the requested correction of inventorship, in the form required under 37 CFR 1.497(d)(4) and 3.73(b). 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.

Jens Grieser will be added as inventors herein.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

PTO/SB/20PCT-EP (08-10)
Approved for use through 01/31/2013. 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.	12/998,637	Filing date:	May 12, 2011
First Named Inventor:	Frank Peter DENNINGER		
Title of the Invention:	Printing Press, Methods for Using this Printing Press, and Methods for Handling a Web Guided Through a Printing Press		

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/EP2009/063455

The international filing date of the corresponding PCT application(s) is/are: October 15, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached

■ is not attached because the document is already in the U.S. application

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ is attached.

■ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 115, 37 CFR 1.63, and 37 CFR 1.152(b). This 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.:	12/998,637
First Named Inventor:	Frank Peter DENNINGER

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 May 12, 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 May 12, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
43, 44	1, 2	Direct correspondence
45 - 50	3 - 8	U.S. claims amended to remove multiple dependencies
51	9	Direct correspondence
52 - 56	10 - 14	U.S. claims amended to remove multiple dependencies
57	15	Direct correspondence
58 - 62	16 - 20	U.S. claims amended to remove multiple dependencies
63	21	U.S. claim amended to overcome Box VIII observation in IPER
		and to remove multiple dependency
64	22	U.S. claim amended to remove multiple dependency
65	23	Direct correspondence
66	24	U.S. claim amended to remove multiple dependency
67	25	Direct correspondence
68	26	U.S. claim amended to remove multiple dependency
69	27	Direct correspondence
70 - 75	28 - 33	U.S. claims amended to remove multiple dependencies
76	34	Direct correspondence
77 - 79	35 - 37	U.S. claims amended to remove multiple dependencies

Under the 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.:	12/998,637
First Named Inventor:	Frank Peter DENNINGER

8. (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 May 12, 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 May 12, 2011

II. Claims Correspondence Table(Continued):

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
80, 81	38, 39	Direct correspondence
82	40	U.S. claim amended to remove multiple dependency
83	41	Direct correspondence
84	42	U.S. claim amended to remove multiple dependency

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature:	Date: June 6, 2011
Name (Print/Typed): Douglas R. Hanscom	Registration Number: 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 11 May 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/063455, filed on 15 October 2009 and published on 20 May 2010 under No. WO 2010/054910 A2. The undersigned further states that the prosecution document associated with PCT/EP2009/063455 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 25 February, 2011

2. This report comprises a total of 5 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 14 pages *(sent to the applicant and to the International Authority)*, which include

   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).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box VIII Certain observations on the international application

Box I Basis of the Report

1. With regard to **language,** this report is based on:

   the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on:

   the description, pages

2, 4-23	as originally filed/furnished
1, 3, 3a	received with the letter dated 23 June 2010

   the claims, No.

1-42	received with the letter dated 23 June 2010

   the drawings, pages

1/6-6/6	as originally filed/furnished

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes:	Claims 1-42
	No:	Claims
Inventive Step (IS)	Yes:	Claims 1-42
	No:	Claims
Industrial Applicability (IA)	Yes:	Claims 1-42
	No:	Claims

2. Citations and Explanations (Rule 70.7):
   See supplementary pages

INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY (SUPPLEMENTARY PAGES)

Box V

1. Independent claims 1, 5 and 38:

1.1 Prior Art:

WO-A-2007/020288, cited in the description, discloses a printing press and a method for handling a web guided through a printing press having all the features in the preamble of the two independent claims 1 and 38. Therefore, a method for using a printing press according to the feature in the preamble of independent claim 5 is also known.

1.2 Problem:

Providing a printing press, a method for using a printing press, and a method for handling a web guided through a printing press, which enable the production of a defect-free product containing heatset pages.

1.3 Solution:

The specific combination of all the features of independent claims 1 and 38, particularly the positively driven roller, the spreading device and the nipping roller located upstream of the fold former, all of which are arranged one in front of the other in the web path downstream of the dryer, according to the respectively corresponding characterizing parts of claims 1 and 38, is not described or suggested by the prior art, and therefore forms the basis for an inventive step (PCT Article 33). Consequently, a method according to claim 5 for using a printing press according to at least claim 1 is also novel and inventive (PCT Article 33).

2. Dependent claims 2 to 4, 6 to 37 and 39 to 42:

Dependent claims 2 to 4, 6 to 37 and 39 to 42 each specify advantageous embodiments of the printing press having all the features of independent claim 1, advantageous embodiments of the method for using a printing press having all the features of independent claim 1, and advantageous embodiments of the method for handling a web guided through a printing press having all the features of independent claim 38.

Box VIII:

1. The application fails to comply with the requirements of PCT Article 6 because dependent claim 21 is unclear.

2. The feature in device claim 21:

   "...coldset web **having a base weight that is different from that of the first web**..."

   relates to a method for using a substrate to be imprinted in a printing press (device) and not to the specification of the printing press (device) on the basis of its peculiar technical features. Therefore, the intended restrictions do not clearly proceed from claim 21 (PCT Article 6).

Claims

1. A printing press comprising at least one first printing tower having at least one first first printing unit (01) that has a plurality of offset printing couples for printing one or both sides of a first web (B1), which passes through the printing unit (01) substantially from the bottom to the top and is to be imprinted in the first printing tower in a multi-color process, with a dryer (02) located downstream of the first printing unit in the web path of the first web (B1) and a former structure (03) having at least one fold former (04) through which the first web passes, and at least one nipping roller (06; 07) located downstream of the dryer (02) and upstream of the fold former (04), characterized in that a spreading device (08) is provided in the web path of the first web (B1), between the dryer (02) and the at least one nipping roller (06; 07) that is located upstream of the fold former, and in that a positively driven roller (12), which is controllable at least with respect to its speed or with respect to a rotational angle position, is provided in the web path of the first web (B1), downstream of the dryer (02) but upstream of the spreading device (08).

2. The printing press according to claim 1, characterized by at least one second printing tower having at least one second second printing unit (21) having a plurality of offset printing couples for printing one or both sides of a second web (B2), which passes through the printing unit (21) substantially from the bottom to the top and is to be imprinted in the second printing tower in a multicolor process, wherein means for guiding the second web (B2) are provided, via which the second web (B2) can be and/or is guided, together with the first web (B1), to the at least one fold former (04), without passing through a dryer or at least without passing through an activated dryer.

3. The printing press according to claim 1 or 2, characterized in that a dampening or application device (09; 11) that applies moisture to the first web (B1), particularly a device that operates using water vapor or an application solution, is provided in the web path between the dryer (02) and the spreading device (08).

4. The printing press according to claim 1 or 2, characterized in that at least one silicone unit (09; 11) is provided as the application device (09; 11) between the dryer and the spreading device.

5. A method for using a printing press according to claim 3 or 4, characterized in that the dampening or application device (09; 11), particularly the silicone unit, is operated using an aqueous silicon solution.

6. A method for using a printing press according to claim 3, 4 or the method according to claim 5, that for dampening, a first dampening or application device (09), particularly a first silicone unit (09), is provided between the dryer and the spreading device, and a second dampening or application device, particularly a re-dampening device, preferably embodied as a second silicone unit (11), is arranged spaced from the first in the web path, wherein the second dampening or application device (11) is operated using a solution that contains a greater concentration of water than that of the first dampening or application device (09).

7. A method for using a printing press according to claim 4 or the method according to claim 5 or 6, characterized in that the application solution of particularly the second dampening or application device (09; 11) is laced with media for reducing surface tension, particularly with surfactants, and when two dampening or application devices (09; 11) are provided, the application solution

of the second application device (11) is laced at least with a higher concentration of media for reducing surface tension than that of the first.

8. The printing press according to one or more of claims 1 to 4, characterized in that as the positively driven roller (12), a nipping roller (12) or one or more driven cooling rollers (12) of a cooling unit (13) is provided in the web path of the first web (B1) between dryer (02) and spreading device (08).

9. The printing press according to claim 8, characterized in that at least the positively driven roller (12), particularly at least one cooling roller (12), and the at least one nipping roller (06; 07) located downstream of the spreading device (08) and upstream of the fold former (04), can be driven mechanically independently of one another by drive motors, which are connected in terms of signals to a centralized and/or decentralized drive control system, and can be driven by these in such a way that a relative forward slip or lag, and therefore a web tension of the first web (B1) in the section between the nipping rollers (12; 06; 07) located upstream and downstream of the spreading device, particularly the driven cooling roller (12) and the nipping roller (06) that follows closest behind the spreading roller, can be adjusted.

10. The printing press according to claim 1, 2, 8 or 9 characterized in that at least one first infeed unit (14) located upstream of the first printing unit (01) can be driven mechanically independently of the former roller (07) and, if applicable, a further nipping roller (06) situated upstream of the former roller (07) can be driven by a drive motor and a centralized or decentralized drive control system, in such

a way that a forward slip or lag, and therefore a web tension of the first web (B1) downstream of the infeed unit (14), can be adjusted.

11. The printing press according to one or more of the preceding claims, characterized in that the first printing unit (01) is embodied or at least operated as a heatset printing unit (01) and is preferably operated using heatset inks and/or UV inks.

12. A method for using a printing press according to one or more of claims 1 to 4 or 8 to 11, or the method according to claim 5 to 7, characterized by a first web (01) embodied as heatset web (01) comprising glazed and/or heavily coated paper having a coat weight of more than 10 g/m^2, for example, and/or within a base weight range of greater than 40 g/m^2, for example, in a base weight range of 55 – 90 g/m^2.

13. The printing press according to one or more of the preceding claims, characterized in that an (the) offset printing couple(s) of the first printing unit (01) has (have) a transfer cylinder (16), which comprises a first compressible and/or flexible printing blanket and a first undisrupted outer surface, i.e., an outer surface in which the printing blanket is in the non-depressed state.

14. The printing press according to one or more of the preceding claims, characterized in that the spreading device (08) is embodied as a spreading roller (08), particularly as a spreading roller (08) having an adjustable spreading effect.

15. The printing press according to claim 14, characterized in that the spreading roller (08) is embodied as a rotatable roller having a curved surface that deviates from cylindrical, particularly a banana-shaped surface.

16. The printing press according to claim 14 or 15, characterized in that the outer surface of the spreading roller (08) that interacts with the first web (B1) has a surface condition which forms significant frictional contact with the web (B1), particularly at least a surface made of rubber.

17. The printing press according to claim 1 or 2, characterized in that the dryer (02) located in the path of the first web (B1), particularly a radiant-heat dryer or thermal dryer, preferably a thermal dryer, is activated.

18. The printing press according to one or more of the preceding claims 1 or 3 to 16, characterized in that, in addition to the first printing tower with the at least one first printing unit (01), said press has at least one second printing tower with a second printing unit (21) having at least one offset printing couple for printing one or both sides of a second web (B2), and wherein means for guiding the second web (B2) are provided, via which the second web (B2) can be and/or is guided, together with the first web (B1), to the at least one fold former (04), without passing through a dryer or at least an activated dryer.

19. The printing press according to claim 2 or 17, characterized in that the second printing unit (21) is embodied or at least operated as coldset printing unit (21) and is preferably operated using coldset inks.

20. A method for using a printing press according to one or more of claims 1 to 4, 8 to 11 or 13 to 19 or the method according to claim 5 to 7 or 12, characterized by a second web (B2) embodied as a coldset web (B2) having a coat weight that differs from that of the first web (B1), particularly comprising uncoated or lightly

coated paper having a maximum coat weight of 10 g/m^2, preferably uncoated newsprint paper.

21. The printing press according to one or more of the preceding claims, characterized in that the second web (B2) as coldset web (B2) having a base weight that is different from that of the first web particularly lies in a base weight range of less than 55 g/m^2, for example, in a base weight range of 35 – 55 g/m^2.

22. The printing press according to one or more of the preceding claims, characterized in that the position of the curvature and/or the radius of curvature of the spreading device (08) is embodied as adjustable.

23. The printing press according to claim 13, characterized in that an (the) offset printing couple(s) of the second printing unit (21) has (have) a second transfer cylinder (22), which has a second compressible and/or flexible printing blanket and a second undisrupted outer surface, i.e., with the printing blanket in a non-depressed state, wherein the first transfer cylinder (16) and the second transfer cylinder (22) differ from one another in terms of the undisrupted outer surfaces and/or the flexible properties of the printing blankets thereof.

24. The printing press according to one or more of the preceding claims, characterized in that at least one positively driven roller, particularly nipping roller (23; 24), is provided in the web path of the second web (B2), downstream of the second printing unit (21) but upstream of the former roller (07).

25. The printing press according to claim 24, characterized in that at least the at least one nipping roller (23; 24) of the second web (B2) and the former roller (07) can be driven mechanically independently of one another and of the positively driven roller (12) of the first web (B1), by drive motors and a centralized and/or

decentralized drive control system, in such a way that a forward slip or lag and therefore a web tension of the second web (B2), can be adjusted, particularly independently of the first web (B1), upstream of the former roller (07).

26. The printing press according to one or more of the preceding claims, characterized in that at least one second infeed unit (26) that is located upstream of the second printing unit (21) can be driven mechanically independently of the former roller (07) by a drive motor and a centralized and/or decentralized drive control system in such a way that a forward slip or lag and therefore a web tension of the second web (B2) can be adjusted downstream of the infeed unit (26).

27. The printing press according to claim 25, characterized in that in relation to the former roller (07), the lag of the positively driven roller (12) of the first web (B1), provided upstream of the spreading device (08), is chosen to be greater than the lag of the nipping roller (24) situated closest upstream of the former roller (07) in the web path of the second (B2) web.

28. The printing press according to one or more of the preceding claims, characterized in that the effect of the spreading device (08) by means of the spatial position of a curvature and/or a change in the degree of curvature and/or the prevailing web tension of the first web (B1) is embodied as adjustable in the region of the spreading device (08).

29. The printing press according to claim 8 or 26, characterized in that web tension can be regulated by adjusting the lag or forward slip between the positively driven roller (12) that is located upstream of the spreading device and the nipping roller (06; 07) located closest downstream therefrom.

30. The printing press according to one or more of the preceding claims, characterized in that the amount of application solution to be applied to the first web (B1) is embodied as adjustable.

31. The printing press according to one or more of the preceding claims, characterized in that a measuring system (27) for assessing web shrinkage in the transverse direction, particularly over a web width and/or web position and/or print image width and/or print image position, and/or for detecting creases or the formation of waves, particularly by means of an optical recognition system, is provided at least in the web path of the first web (B1), upstream of the former roller (07).

32. The printing press according to one or more of the preceding claims, characterized in that a measuring system (28) for detecting web tension is provided at least in the web path of the first web (B1), upstream of the former roller (07), particularly in the web section that has the spreading device (08) and is located between the positively driven roller (12) and the nipping roller (06; 07) that is located downstream of the spreading device.

33. The printing press according to one or more of the preceding claims, characterized in that a unit (29), particularly a control and/or regulating unit (29), is provided, which is connected in terms of signals to the measuring system (27) for evaluating web shrinkage or the formation of waves and/or to the measuring system (28) for detecting web tension and/or to an element for controlling the amount of application solution to be applied to the first web (B1) and/or to a control element for influencing web tension, such as particularly a centralized or decentralized drive control system for at least one of the driven rollers (06; 07; 12; (14)) that interact with the first web (B1), and/or to a control element for influencing the effect of the spreading device (08).

34. The printing press according to claim 33, characterized in that the unit (29) comprises means by which a measurement of shrinkage and/or creasing can be determined and/or provided.

35. The printing press according to claim 33 or 34, characterized in that unit (29) as a control and/or regulating unit (29) comprises means by which an element for controlling web tension, for example, a drive regulator or a drive controller, and/or an element for controlling the amount of application medium to be applied and/or a control element for adjusting the spreading effect can be directly or indirectly operated.

36. The printing press according to claim 34 or 35, characterized in that the control and/or regulating unit (29) comprises means by which an adjustment of one or more of the control elements is implemented according to established rules, for example, an algorithm, on the basis of a detected shrinkage.

37. The printing press according to one or more of claims 33 to 36, characterized in that the control and/or regulating unit (29) is provided with an electronic memory, in which adjustment values for the control elements to be adjusted with respect to shrinkage and/or creasing, for example, on the basis of data that characterize the paper to be used, and/or data relating to web guidance, are stored.

38. A method for handling a first web (B1) guided through a printing press, which web will be imprinted in a multicolor process by a plurality of offset printing couples of at least one first printing unit (01) of a first printing tower, wherein said web travels through the first printing tower substantially from the bottom to the top, is then processed by a dryer (02), and downstream is fed over one nipping roller (06; 07) located downstream of the dryer (02) and one nipping roller located upstream of the fold former (04) to the fold former (04) of a former structure (03),

and a second web (B2), which will be imprinted in a multicolor process by a plurality of offset printing couples of at least one second printing unit (21) of a second printing tower, wherein the second web (B2) passes through the first printing tower substantially from the bottom to the top and is then fed to the fold former (04) without additional treatment by an activated dryer, wherein the first web (B1), imprinted by the first printing unit in heatset, or a first partial web produced from this web by slitting, is processed together with the second web (B2) imprinted in the second printing unit (21) in a coldset process, or a second partial web obtained from said web by slitting, over the same fold former (04) to form a ribbon, characterized in that the first web (B1) is guided over a positively driven roller (12) in its path between dryer (02) and fold former (04), and downstream is acted on by a spreading device (08) having force components that stretch the web transversely to its longitudinal direction, before it is guided over the nipping roller (06; 07) that is located upstream of the fold former (04).

39. The method according to claim 38, characterized in that the first web (B1) is selectively re-dampened between dryer (02) and spreading device (08) by a dampening unit (09; 11).

40. The method according to claim 38 and/or 39, characterized in that a shrinkage in the transverse extension and/or creasing in the first web (01) guided through the dryer (02) is identified in the web path between dryer (02) and fold former (04), and is selectively influenced via the degree of the effect of the spreading device (08) and/or the amount of application medium of the at least one dampening device (09; 11).

41. The method according to claim 40, characterized in that shrinkage and/or creasing is influenced in terms of a reduction in a difference between the web widths or partial web widths of the first and second web (B1; B2) or partial web.

42. The method according to claim 38, 39 or 40, characterized in that a degree of the effect of the spreading device (08) and/or the amount of application medium of the at least one dampening device (09; 11) is adjusted in terms of a desired web tension, particularly a minimal web tension to be promoted.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/998,637	06/16/2011	Frank Peter Denninger	W1.3100 PCT-US	1814

23294 7590 10/21/2011
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
10/21/2011	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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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
DENNINGER et al.
Application No.: 12/998,637
Filed: 16 June 2011
Attorney Docket No.: W1.3100 PCT-US
For: PRINTING PRESS, METHODS FOR USING THE PRINTING PRESS, AND METHODS FOR HANDLING A WEB GUIDED THROUGH A PRINTING PRESS

: 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 06 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.

(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 Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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CUYAHOGA FALLS OH 44221

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Applicant: Yumin Yang et al
Appl. No.: 12/998,651
International Filing Date: March 31, 2010
Title: ARTIFICIAL NERVE GRAFT PREPARED BY ELECTROSTATIC SPINNING, THE PREPARING METHOD AND THE SPECIAL APPARATUS USED THEREFOR
Attorney Docket: CNIP-P-PCT-US (SDPCT-NTU-US-A)
Pub. No.: US20110270411 A1
Pub. Date: November 3, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 15, 2011 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the title is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor on the front page of the publication in the title of the invention is **not** an Office error under 37 CFR 1.221(b). The error is due to a Request for Corrected Filing Receipt submitted on August 18, 2011. Also, 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).

Further, patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The failure to include an amendment is not an Office error." See MPEP 1130(b).

On August 18, 2011, a Request for Corrected Filing Receipt was received. On August 23, 2011, a Filing Receipt was mailed by the Office, which listed the title as provided in the request. On August 30, 2011and again on October 31, 2011, a Request for Corrected Filing Receipt was received. On November 2, 2011, a Filing Receipt was mailed to include the correct title.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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MAILED

SEP 12 2011

PCT LEGAL ADMINISTRATION

Miki Shacham
PO Box 65151
Tel Aviv 61650 IL ISRAEL

In re Application of SHACHAM	:	
Application No.: 12/998,653	:	DECISION ON
PCT No.: PCT/IL09/01032	:	
Int. Filing: 04 November 2009	:	PETITION TO REVIVE
Priority Date: 04 November 2008	:	
Attorney Docket No.: PCT/1032USP	:	UNDER 37 CFR 1.137(b)
For: A METHOD AND MEANS FOR COLLECTING	:	
CORD BLOOD	:	

The petition to revive under 37 CFR 1.137(b) filed 20 July 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee of $810 has been paid.

Applicant previously submitted the basic national fee, the declaration (PTO/SB/103) executed by inventor, in compliance with 37 CFR 1.497(a) and (b), and the $65 surcharge for filing the declaration after the thirty month period.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 13 May 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/998,656	05/16/2011	Nandu Deorkar	1346.112USU	1985

7590 11/25/2011
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EXAMINER
THERKORN, ERNEST G

ART UNIT	PAPER NUMBER
1778	

MAIL DATE	DELIVERY MODE
11/25/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mime Jarmes

Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/998,656	05/16/2011	Nandu Deorkar	1346.112USU	1985

7590 11/25/2011
OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD, CT 06901

EXAMINER
THERKORN, ERNEST G

ART UNIT	PAPER NUMBER
1778	

MAIL DATE	DELIVERY MODE
11/25/2011	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)

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OCT 07 2011

PCT LEGAL ADMINISTRATION

Denisson Associates
133 Richmond Street West, Suite 301
Toronto ON M5H 2L7 CA CANADA

In re Application of: TEBERAH, Joseph, et al. :
U.S. Application No.: 12/998,664 :
PCT No.: PCT/CA2008/001617 :
International Filing Date: 15 September 2008 :
Priority Date: 14 September 2007 :
Attorney's Docket No.: WH-13238 US :
For: POWER LIFT SYSTEM :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition for revival under 37 CFR 1.137(b) filed 23 August 2011 in the above-captioned application is hereby **GRANTED** as follows:

As set forth in the communication mailed on 02 August 2011, international application PCT/CA2008/001617 became abandoned with respect to the United States at midnight on 14 March 2011 based on applicants' failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date. As noted in the previous communication, applicants filed materials to initiate the present national stage application on 12 March 2011; however, the 12 March 2011 submission did not include the required fee payment. The abandonment of the present application was confirmed in a "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed 21 September 2011.

The present petition for revival was accompanied by payment of the petition fee. Applicants had previously submitted (on 26 April 2010) the "required reply" in the form of payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfying the requirements of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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AUG 05 2011

PCT LEGAL ADMINISTRATION

WARN PARTNERS, P.C.
PO BOX 70098
ROCHESTER HILLS, MI 48307

In re Application of	:	
BERNREITNER et al.	:	
Application No.: 12/998,676	:	DECISION
PCT No.: PCT/EP2009/065193	:	
Int. Filing Date: 16 November 2009	:	
Priority Date: 18 November 2008	:	
Attorney's Docket No.: MAI-00045 (B 10267/HLZ)	:	
For: PROPYLENE-BUTENE RANDOM	:	
COPOLYMER PRODUCED IN THE PRESENCE	:	
OF A METALLOCENE CATALYST	:	

This decision is in response to applicants' "REQUEST TO REPLACE EXPRESS MAILING CERTIFICATE", which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 25 May 2011. No petition fee is required.

BACKGROUND

On 16 November 2009, applicants filed international application PCT/EP2009/065193, which designated the United States and claimed a priority date of 18 November 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 May 2011.

On 18 May 2011, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 25 May 2011, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition states that the Express Mailing Certificate for Express Mail Mailing Label Number EG 717304668 US was improperly dated 16 May 2011.

The application papers filed 18 May 2011 included two Express Mailing Certificates: one for Express Mail Mailing Label Number EG 717304668 US dated 16 May 2011; and for Express Mail Mailing Label Number EG 717304597 US dated 18 May 2011. However, the "Date Accepted" on the "Post Office to Addressee" Copy of the Express Mail Mailing Label for Express Mail Mailing Label Number EG 717304668 US is 18 May 2011 rather than 16 May 2011, as indicated in the copy of the label accompanying the petition. Furthermore, the application papers were accorded a receipt date of 18 May 2011 by the USPTO. Accordingly, the petition under 37 CFR 1.181 is MOOT.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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GERARD A. MESSINA
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NEW YORK 10004

MAILED

OCT 14 2011

PCT LEGAL ADMINISTRATION

In re Application of:	:	
DOERR et al.	:	DECISION ON
PCT Application No.: PCT/EP2009/063502	:	
US Application No.: 12/998,681	:	PETITION UNDER
Int. Filing Date: 15 October 2009	:	
Priority Date claimed: 20 November 2008	:	37 C.F.R. 182
Atty Docket No.: 10191/6961	:	
For: VEHICLE, IN PARTICULAR A HYBRID	:	
VEHICLE, HAVING AN ELECTRICAL DEVICE	:	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.182 TO CORRECT APPLICANT'S ERROR IN THE NATIONAL STAGE APPLICATION" received on 03 August 2011.

BACKGROUND

On 17 May 2011, applicants filed papers to initiate a U.S. national stage application. This submission included, among other materials, a preliminary amendment, a declaration and payment of the basic national fee. The Transmittal Letter (PTO-1390), identified the international application number as PCT/EP2009/003502. However, the declaration indicated the international application number as **PCT/EP2009/063502**.

Based on applicants' error and USPTO processing procedures, the application file was initiated in the USPTO PALM system as the U.S. national stage of PCT/EP2009/003502.

On 06 July 2011, a notification was mailed by this Office to inform applicants of the error.

DISCUSSION

In order to correct applicants' error, a grantable petition under 37 CFR 1.182 is required to correct the record with regard to the inconsistent international application numbers provided by applicants. The petition must include the following: (1) payment of the $400 petition fee; (2) a statement confirming the correct international application number; and (3) an indication that

the correct international application number was included somewhere in the national stage application papers filed prior to the expiration of thirty months from the priority date.

With regard to item (1), the fee has been paid.

With regard to items (2) and (3), applicants have provided the correct international application number in the declaration prior to the expiration of thirty months from the priority date.

CONCLUSION

For this reason, applicants' petition under 37 CFR 1.182 is **GRANTED**.

This application is being referred to the Office of Patent Application Processing (OPAP) for processing the present application under 35 U.S.C. 371 as the U.S. national stage of **PCT/EP2009/063502.** The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 17 May 2011.

/Boris Milef/

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Boris Milef
Senior PCT Legal Examiner
Office of PCT Legal Administration

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Robert A. Haupt
1590 Sleepy Hollow R oad
Christiansurg VA 24073

MAILED
AUG 30 2011
PCT LEGAL ADMINISTRATION

In re Application of :
SCHMITZ et al. :
Application No.: 12/998,702 : DECISION ON PETITION
PCT No.: PCT/EP2009/005814 :
Int. Filing Date: 11 August 2009 : UNDER 37 CFR 1.137(b)
Priority Date: 18 November 2008 :
Attorney Docket No.: 002-003 :
For: MANUFACTURING METHOD FOR THE MAKING OF ARTICLES OR PRECURSORS COMPRISING HOOPS

The petition to revive under 37 CFR 1.137(b) filed 14 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' 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 applicants have 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 forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the surcharge for filing the oath or declaration after the twenty-month period is required.

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TIM COOK
Law Office of Tim Cook PC.
P.O.Box 10107
Liberty TX 77575

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AUG 02 2011
PCT LEGAL ADMINISTRATION

In re Application of LANSLEY et al.
Application No.: 12/998,723
PCT No.: PCT/US07/20522
Int. Filing: 21 September 2007
Priority Date: 22 September 2006
Attorney Docket No.:
For: SEISMIC ARRAY WITH SPACED SOURCES HAVING VARIABLE PRESSURE

DECISION ON
PETITION TO REVIVE
UNDER 37 CFR 1.137(b)

This a decision on applicant's petition to revive under 37 CFR 1.137(b) filed 24 May 2011 in the above-captioned application.

BACKGROUND

On 21 September 2007, applicants filed international application PCT/US07/20522, which claimed a priority date of 22 September 2006 and designated the United States. The thirty month time period within which to file a national stage application under 35 U.S.C. 371 expired at midnight 22 March 2009. Thereafter, the International application went abandoned for failure to pay the basic national fee by the expiration of the thirty month period.

On 24 May 2011, more than 2 years after abandonment of the international application, applicant submitted a petition to revive under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), (3) a statement that the "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".

Applicant satisfied Item (1) with the submission of the basic national fee and satisfied Item (2) with the payment of the $1620 petition fee.

With regard to Item (3), applicant's statement that he "unintentionally allowed the 30 month deadline to pass before the filing papers to effectuate entry of the International Application into the National Stage" has been interpreted as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

CONCLUSION

For the reasons discussed above, the petition to revive under 37 CFR 1.137(b) is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements.

/Cynthia M. Kratz/
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JUL 29 2011

PCT LEGAL ADMINISTRATION

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of ETIENNE Application No.: 12/998,743 PCT No.: PCT/IB09/07201 Int. Filing Date: 21 April 2009 Priority Date: 31 October 2008 Attorney Docket No.: 6170-000047/US/NP For: DRUG FOR TREATING INFECTIONS	:	DECISION on PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 26 May 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" 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/
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

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JUL 12 2011

PCT LEGAL ADMINISTRATION

In re Application of :
STAMMEN, et al :
Application No.: 12/998,759 :
PCT No.: PCT/DE09/001634 :
Int. Filing Date: 19 November 2009 :
Priority Date: 19 November 2008 :
ATTY Docket No.: STAMMEN ET AL - 1 PCT :
For: ANESTHETIC SYRINGE HAVING A :
LONGITUDINALLY DISPLACEABLE :
FEEDING PISTON AND CHECK VALVE :
HAVING PASSAGE AND BLOCKING :
DEVICE :

DECISION ON PETITION
UNDER 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) in application serial number 12/998,759. The petition was filed in the United States Patent and Trademark Office (USPTO) on 27 May 2011.

BACKGROUND

On 19 November 2009, applicant filed international application, PCT/DE09/001634, claiming priority to a German Application dated of 19 November 2008.

The thirty-month period for paying the basic national fee in the United States expired on 19 May 2011. This application became abandoned with respect to the United States at midnight on 19 May 2011 for failure to pay the required basic national fee and providing the documents as required by 35 U.S.C. 371 (c).

On 27 May 2011, applicant submitted national stage papers with the United States Designated/Elected Office (DO/EO/US) along with the required basic national filing fee, petition fee, and 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;

(2) The petition fee as set forth in 37 CFR 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and,

(4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) required pursuant to 37 CFR 1.137(d).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), applicant has paid the $810 petition fee.

Regarding item (3), the applicant has provided the required statement.

Regarding item (4), because the international application was filed after 8 June 1995, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy the requirements under 37 CFR 1.137(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED.**

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, including mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 C.F.R. 1.497 must be filed.

Gwendolyn Blackwell
PCT Legal Detailee
Office of PCT Legal Administration
Tel: (571) 272-6094

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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AUG 12 2011

PCT LEGAL ADMINISTRATION

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
SCHMIDT, Eugen, *et al.*	:	
Application No.: 12/998,760	:	DECISION ON
PCT No.: PCT/DE2009/001667	:	
Int. Filing Date: 23 November 2009	:	REQUEST
Priority Date: 29 November 2008	:	
Att. Docket No.: SCHMIDT ET AL - 13 PCT	:	UNDER 37 CFR 1.42
For: VANE CELL PUMP	:	

This is a decision on applicant's submission of a declaration on 27 May 2011, containing an indication that an inventor is deceased. It has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 27 May 2011, applicants filed a transmittal letter to the United States Designated/Elected Office, accompanied by, *inter alia*, the basic national fee and a declaration of the inventor.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 27 May 2011 declaration satisfies the requirements of 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

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JUL 05 2011

PCT LEGAL ADMINISTRATION

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of: JOVINE, Rafael	:	
U.S. Application No.: 12/998,764	:	DECISION ON PETITION UNDER
PCT No.: PCT/GB2009/002568	:	37 CFR 1.137(b)
International Filing Date: 28 October 2009	:	
Priority Date: 29 October 2008	:	
Attorney's Docket No.: 3482-P10597US	:	
For: METHOD OF CARBON	:	
SEQUESTRATION	:	

The petition for revival under 37 CFR 1.137(b) filed 26 May 2011 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/GB2009/002568 became abandoned with respect to the United States at midnight on 29 April 2011 based on applicant's failure to submit payment of the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of the filing of the present national stage application and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

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/

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MAR 22 2012

OFFICE OF PETITIONS

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of
Raffael Jovine et al.
Application No.: 12/998,764
Filed: September 13, 2011
Attorney Docket No.: 3482-P10597US
For: Method of Carbon Sequestration

: 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 filed September 13, 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 UK IPO, note where the UK IPO 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 UK IPO application with similar claims and the UK IPO priority application;

(2) Applicant must submit a copy of:
The allowable/patentable claim(s) from the UK IPO application(s);

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s); and
b. Submit a claims correspondence table;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
A copy of all of the office actions from each of the UK IPO application(s) containing the allowable/patentable claims that are the basis for the request or request that the USPTO obtain a copy from the UK IPO. If the USPTO is not able to obtain a copy of all of the office actions from the UK IPO, the applicant will be notified and requested to provide the necessary documents.

(6) Applicant must submit:

a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application); and
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 pilot program and petition fails meet condition (1).

The corresponding UK application number provided on the petition (GB 2464763 B) does not relate to the priority claim application listed for this application. A review of the claim for priority indicates that applicant has not claimed priority to GB 2464763 B.

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 Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Thurman Page
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	12/998,764	First Named Inventor:	Raffael Jovine
Filing Date:	September 13, 2011	Attorney Docket No.:	3482-P10597US
Title of the Invention:	METHOD OF CARBON SEQUESTRATION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/GB2009/002568

The international filing date of the corresponding PCT application(s) is/are: 10/28/2009

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)**

☑ 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 May 26, 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 May 26, 2011

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.:	12/998,764	First Named Inventor:	Raffael Jovine

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
15	1	Claim 15 of the USPTO App has the same or a narrower scope as claim 1 of the PCT App
16-34	2-12	Claims 16-34 of the USPTO App have the same or a narrower scope as claims 2-12 of the PCT App

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	April 4, 2012
Name (Print/Typed)	Andrew A. Hufford	Registration Number	69,425

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Raffael Jovine

Serial No.: 12/998,764

Filed: September 13, 2011

For: METHOD OF CARBON SEQUESTRATION

Confirmation No.: 8100

Examiner:

Group Art Unit: 1652

Attorney Docket No.: 3482-P10597US

VIA ELECTRONIC FILING
April 4, 2012

PETITION TO MAKE SPECIAL UNDER PATENT PROSECUTION HIGWAY

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This submission is made in response to the Office communication of March 22, 2012, issued by the Office of Petitions.

The applicants submitted their "Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the UKIPO and the USPTO" (the "Request") on September 13, 2011. The Office dismissed the Request on March 22, 2012, asserting that the Request failed to meet all the conditions for participation in the PPH pilot program. Specifically, the Office asserted that "...[t]he corresponding UK application number provided on the petition (GB 2464763 B) does not relate to the priority claim application listed for this application. A

review of the claim for priority indicates that applicant has not claimed priority to GB 2464763 B." Office Communication, at p. 2.

The applicants respectfully disagree. Reconsideration is requested.

The Request submitted by the applicants indicated that the corresponding "UKIPO number(s) is/are" **GB 2464763 B**. *See* Request, at p. 1. The applicants also submitted an Information Disclosure Statement ("IDS") on the same day, citing "GB 2464763 B" to Jovine, and providing a copy of the reference. A review of the face page of this reference shows that "GB 2464763 B" is listed as its patent number [*see* top line, near right], while "**0819865.7**" is listed as its "Application No." [*see* left column, approximately one-quarter down from the top of the page]. Thus, GB 2464763 B and 0819865.7 refer to the same document.

The applicants note that the present application, filed under 35 U.S.C. § 371(c), claims priority to "0819865.7," which *is* the "GB 246763 B" patent. Thus, the applicants respectfully submit that they have properly established priority to the 0819865.7 application, and have met all the conditions for filing their Request, and request reconsideration.

The applicants would also point out the positive findings in the IPEA International Preliminary Report on Patentability ("IPRP") of February 3, 2011, for the corresponding PCT application (PCT/GB2009/002568). The IPRP concluded that claims 1-12 of PCT/GB2009/002568 showed novelty, an inventive step, and industrial applicability. *See* IPRP, at p. 3 (of record). These findings further support the asserted patentability of the claims of the pending USPTO application. In view thereof, the applicants are additionally submitting a Request for Participation in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) Pilot Program Between the EPO and the USPTO, therein citing the findings of the IPRP.

In view of the positive findings of *both* the UKIPO and the EPO, the applicants respectfully request that the Office withdraw its dismissal decision and grant their Request for Participation in the PPH Pilot Program, forthwith.

If questions remain after consideration of the foregoing, the Office is kindly requested to contact the applicants attorney at the address or telephone number given herein.

Respectfully submitted,

Andrew A. Hufford
Registration No. 69,425
Attorney for Applicants
TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: April 4, 2012

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.
12/998,765	09/08/2011	Hans-Peter Nett	999600-0106	6188

12919 7590 01/25/2012
Paul D. Strain
Strain & Strain, PLLC
1455 Pennsylvania Ave NW, Suite 400
Washington, DC 20004

EXAMINER
HLAVKA, DAVID J

ART UNIT	PAPER NUMBER
3655	

MAIL DATE	DELIVERY MODE
01/25/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JAN 25 2012

STRAIN & STRAIN PLLC
1455 Pennsylvania Avenue, N.W.
Suit 400
Washington, D.C. 20004

In re Application of Hans-Peter NETT et al. Application No. 12/998,765 Filed: 09/08/2011 For: To Accept Color Drawings	: : : : :	DECISION ON PETITION UNDER 37 CFR 1.84 TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 CFR § 1.84, filed 31 May 2011, to accept color drawings.

A petition under 37 CFR 1.84 will be granted only when the U.S Patent and Trademark Office has determined that a color drawing or color photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented (MPEP 608.02). A petition under 37 CFR 1.84(a)(2) requires:

(i) The fee set forth in § 1.17(h);
(ii) Three (3) sets of color drawings;
(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

> "The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

It has been carefully reviewed and determined that the colored drawings are not necessary since the presently disclosed and claimed subject matters can be illustrated in black and white, as set forth in MPEP 608.02, and thus color drawing is not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented.

Accordingly, the petition filed under 37 CFR § 1.84(a)(2) is **DISMISSED**.

Any questions concerning this decision should be referred to David D. Le at 571-272-7092.

David D. Le
Supervisory Patent Examiner
Technology Center 3600
(571) 272-7092

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 22 2011

PCT LEGAL ADMINISTRATION

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

In re Application of	:	
FERY et al.	:	
Application No.: 12/998,779	:	
PCT No.: PCT/EP2009/065478	:	DECISION
Int. Filing Date: 19 November 2009	:	
Priority Date: 02 December 2008	:	
Attorney's Docket No.: PD080091	:	
For: OPTICAL STORAGE MEDIUM	:	
COMPRISING TWO NONLINEAR LAYERS	:	

This decision is in response to applicants' submission filed 26 August 2011 concerning the name of the second inventor. This submission has properly been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 19 November 2009, applicants filed international application PCT/EP2009/065478 which designated the U.S. and claimed a priority date of 02 December 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 June 2011.

On 01 June 2011, 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 28 June 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 01 June 2011 was not in compliance with 37 CFR 1.497(a)-(b) because the spelling of the second-named inventor in the declaration was different than the spelling in the published international application.

On 26 August 2011, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

The submission filed 26 August 2011 was filed as a submission under 37 CFR 1.497(d). However, that rule is only applicable where an inventor is being added or deleted. Here, the inventorship is the same in both the declaration and the international application; the difference is in the spelling of the second-named inventor. Accordingly, the submission has properly been treated as a petition under 37 CFR 1.181.

The petition concerns the spelling of the first name of the second inventor and explains that the spelling of the inventor's name in the declaration is accurate (Larisa) and that the spelling in the international application (Larissa) 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 of inventors filed 26 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**.

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/998,816	06/02/2011	Masaharu Hatano	14793/15	2125

26646 7590 08/16/2011
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
08/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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AUG 16 2011 CST

In re application of Masaharu Hatano et al Serial No. 12/998,816 Filed: June 2, 2011 For: HIGH-PURITY FERRITIC STAINLESS STEELS EXCELLENT IN CORROSION RESISTANCE	: : : : : : :	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 July 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 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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Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York, NY 10018

MAILED

FEB 03 2012

OFFICE OF PETITIONS

In re Application of Uihlein et al. :
Application No. 12/998,977 :
Int'l Filing Date: January 30, 2010 :
Attorney Docket No. 5038.1097 :
Pub. No. US 2011/0255981 A1 :
Pub. Date: October 20, 2011 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed December 6, 2011.

The request is **dismissed**.

Applicant requests that the application be republished because the front page of the patent application publication does not include the name of the second inventor.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The mistake identified in the instant request is not a material Office mistake as required under 37 C.F.R. § 1.221(b). Specifically, the omission of the second inventor's name does not affect

[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 public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements, the publication fee set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JAN 10 2011

PCT LEGAL ADMINISTRATION

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM NC 27707

In re Application of	:	
LEE, et al.	:	DECISION ON PETITION
Application No.: 12/999,027	:	
PCT No.: PCT/KR2009/002412	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 08 May 2009	:	
Priority Date: 08 May 2008	:	
Atty. Docket No.: 1654/41	:	
For: SOLVENT-FREE ADHESIVE FOR	:	
WATERPROOF SHEET, WATERPROOF SHEET	:	
AND MANUFACTURING METHOD OF	:	
....THE WATERPROOF SHEET	:	

The petition to revive under 37 CFR 1.137(b) filed 14 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply form the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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: TMP-058	Application Number (if known): 12/999,030	Filing date: February 15, 2011

First Named Inventor: Kazuhisa TSUTSUMI et al.

Title: WIND TURBINE GENERATOR AND TIDAL CURRENT GENERATOR

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Kenneth M. Berner/	Date November 16, 2011
Name (Print/Typed) Kenneth M. Berner	Registration Number 37,093

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,030	02/15/2011	Kazuhisa Tsutsumi	TMP-058	1228

32628 7590 12/21/2011
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
12/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

DEC 21 2011

In re Application of	:	
TSUTSUMI et al.	:	DECISION ON PETITION
Application No. 12/999,030	:	TO MAKE SPECIAL UNDER
Filed: December 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. TMP-058	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 16, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action on the merits commensurate with this decision.

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

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DEC 29 2010

PCT LEGAL ADMINISTRATION

Woodcock Washburn LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia PA 19104-2891

In re Application of	:	
BRICKELL et al.	:	
Application No.: 12/999,042	:	DECISION ON PETITION
PCT No.: PCT/US2008/084961	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 26 November 008	:	
Priority Date: 26 November 2007	:	
Attorney Docket No.: SAFE-0018	:	
For: POWER SENSOR		

The petition to revive under 37 CFR 1.137(b) filed 14 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' 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 applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,064	01/25/2011	Peter John White	41577/398974	2109

23370 7590 06/01/2011
JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

EXAMINER

ART UNIT	PAPER NUMBER
1777	

NOTIFICATION DATE	DELIVERY MODE
06/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com

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EL

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
White, Peter John	:	PARTICIPATE IN PATENT
Serial No. 12/999064	:	PROSECUTION HIGHWAY
Filed: December 15, 2010	:	PROGRAM AND
For: **DETECTION DEVICE**	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program filed March 08, 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 UK IPO, note where the UK IPO 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 UK IPO application with similar claims and the UK IPO priority application;

(2) Applicant must submit a copy of:
The allowable/patentable claim(s) from the UK IPO application(s);

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s); and
b. Submit a claims correspondence table;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
A copy of all of the office actions from each of the UK IPO application(s) containing the allowable/patentable claims that are the basis for the request or request that the USPTO obtain a copy from the UK IPO. If the USPTO is not

able to obtain a copy of all of the office actions from the UK IPO, the applicant will be notified and requested to provide the necessary documents; and

(6) Applicant must submit:
   a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application); and
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/ Emily M. Le/

Emily M. Le
Supervisory Patent Examiner,
Technology Center 1700

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SALIWANCHIK, LLOYD &
EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of :
COHEN *et al* :
Application No.: 12/999,125 :
PCT No.: PCT/EP2009/057544 :
Int. Filing Date: 17 June 2009 :
Priority Date: 18 June 2008 :
Atty. Docket No.: BKR.171 :
For: COMBINATION OF PILCARPIN AND METHIMAZOL FOR TREATING CHARCOT-MARIETOOTH DISEASE AND RELATED DISORDERS :

DECISION

This is a decision on applicants' "PETITION UNDER 37 CFR 1.47(a)," filed in the U.S. Patent and Trademark Office (USPTO) on 03 August 2011, which requests that the application be accepted without the signatures of a joint inventor, Oxana Guerassimenko, 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 Oxana Guerassimenko'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 17 June 2009, under 35 U.S.C. 363 and a date of **03 August 2011**, under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

(571) 272-3231

Conferee: Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

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OXANA GUERASSIMENKO
22 RUE DE LA FORÊT
91490 MILLE LA FORET
FRANCE

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of
COHEN *et al*
Application No.: 12/999,125
PCT No.: PCT/EP2009/057544
Int. Filing Date: 17 June 2009
Priority Date: 18 June 2008
Atty. Docket No.: BKR.171
For: COMBINATION OF PILCARPIN AND METHIMAZOL FOR TREATING CHARCOT-MARIETOOTH DISEASE AND RELATED DISORDERS

NOTIFICATION

Dear Oxana Guerassimenko:

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 signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Oxana Guerassimenko) 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/EP2009/057544 and was filed on 17 June 2009, in the names of Daniel Cohen, Ilya Chumakov, Seguei Nabirochkin, Oxana Guerassimenko, and Nathalie Cholet for the invention entitled COMBINATION OF PILCARPIN AND METHIMAZOL FOR TREATING CHARCOT-MARIETOOTH DISEASE AND RELATED DISORDERS. The national stage application number is 12/999,125 and has a 35 U.S.C. 371(c) date of 03 August 2011.

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50438
JUNEAU PARTNERS
333 N. Fairfax St.,
Suite 305
Alexandria, VA 22301

MAILED

FEB 28 2011

PCT LEGAL ADMINISTRATION

In re Application of
MORSI *et al*
U.S. Application No.: 12/999,135
PCT No.: PCT/US2009/035616
Int. Filing Date: 28 February 2009
Priority Date: 28 February 2008
Docket No.: SDSU MORSI K1
For: CURRENT ACTIVATED TIP-BASED SINTERING

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 15 December 2010 is hereby **GRANTED** as follows:

The U.S. 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.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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MAR 30 2011

PCT LEGAL ADMINISTRATION

CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI MI 48375

In re Application of	:	
TOKIZAKI et al.	:	
Application No.: 12/999,153	:	NOTIFICATION
PCT No.: PCT/JP09/50775	:	
Int. Filing Date: 20 January 2009	:	
Priority Date: 17 June 2008	:	
Attorney Docket No.: IPS-101-A	:	
For: PNEUMATIC TIRE		

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

On 15 December 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 12/999,153. However, the international application number PCT/JP09/**50775** as indicated on the Transmittal Letter and Electronic Acknowledgement Receipt differs from the international application number PCT/JP09/**50755** on the Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304) and Request for Participation in the Patent Prosecution Highway (PPH) Program Between the Japan Patent Office (JPO) and the USPTO (PTO/SB/20JP).

If applicant wishes that this application proceed, applicant must file a petition under 37 CFR 1.182 to correct the international application number.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Such response should include a cover letter entitled "Petition Under 37 CFR 1.182."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration
Telephone: 571-272-3292
Facsimile: 571-273-0459

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JUN 16 2011

PCT LEGAL ADMINISTRATION

CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI MI 48375

In re Application of	:	
TOKIZAKI et al.	:	
Application No.: 12/999,153	:	DECISION ON PETITION
PCT No.: PCT/JP09/50775	:	
Int. Filing Date: 20 January 2009	:	UNDER 37 CFR 1.182
Priority Date: 17 June 2008	:	
Attorney Docket No.: IPS-101-A	:	
For: PNEUMATIC TIRE		

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 15 April 2011 to correct the international application number.

On 15 December 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 12/999,153. However, the international application number PCT/JP09/**50775** as indicated on the Transmittal Letter and Electronic Acknowledgement Receipt differs from the international application number PCT/JP09/**50755** on the Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304) and Request for Participation in the Patent Prosecution Highway (PPH) Program Between the Japan Patent Office (JPO) and the USPTO (PTO/SB/20JP).

On 15 April 2011, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/JP09/50755 on the national stage papers filed on 15 December 2010 is **GRANTED**. The $400 petition fee was paid.

The USPTO records will identify the present application 12/999,153 as the national stage of PCT/JP09/50755.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration
Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,153	04/15/2011	Hiroshi Tokizaki	IPS-101-A	2890

21828 7590 08/26/2011
CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER

ART UNIT	PAPER NUMBER
1747	

NOTIFICATION DATE	DELIVERY MODE
08/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cbalaw@gmail.com
cbalaw@ameritech.net
wblackman@ameritech.net

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8/26/11

BC

In re application of	:	DECISION ON REQUEST TO
Hiroshi Tokizaki et al.	:	PARTICIPATE IN PATENT
Serial No. 12/999,153	:	PROSECUTION HIGHWAY
Filed: December 15, 2010	:	PROGRAM AND
For: Pneumatic Tire	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed December 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 Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

MAY 13 2011

PCT LEGAL ADMINISTRATION

In re Application of
KATO, et al.
U.S. Application No.: 12/999,167
PCT No.: PCT/JP2009/061305 (as corrected)
Int. Filing Date: 22 June 2009
Priority Date: 23 June 2008
Attorney Docket No.: 372604US99PCT
For: POLYVINYL CHLORIDE RESIN COMPOSITION AND METHOD FOR PRODUCING SAME

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicant's "RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371" filed 18 March 2011 in the United States Patent and Trademark Office (USPTO). The response seeks to correct the bibliographic data (international application number) for the national stage application papers filed 15 December 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/JP2009/061305. For the reasons detailed below the filing is being treated as a petition under 37 CFR 1.182 to excuse applicant's error upon filing. The required $400 petition fee has been charged to deposit account number 15-0030 as authorized.

BACKGROUND

On 22 June 2009, applicant filed international application PCT/JP2009/061305, which claimed priority of an earlier application filed 23 June 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 23 December 2010.

On 15 December 2010, applicant filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee, a signed declaration of the inventors, an English translation of the international application as filed, a preliminary amendment and an Application Data Sheet. The submission was assigned U.S. application number 12/999,167.

On 09 March 2011, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that English translations of the application drawings were required.

On 18 March 2011, applicant filed the petition considered herein.

DISCUSSION

Applicant electronically filed the present application on 15 December 2010. The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/JP09/61035. Included in applicant's filing was an Application Data Sheet (ADS) and form PTO-1390 transmittal letter which claimed priority to international application PCT/JP09/61305. Thus, applicants' 13 January 2009 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/JP09/61035 and PCT/JP09/61305.

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 stage entry of PCT/JP09/61035, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

The bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 15 December 2010 can be treated as having been directed to international application PCT/JP09/61305, as necessary to avoid abandonment of the international application with respect to the United States.

Here, applicants confirm that the correct international application is PCT/JP2009/061305. An examination of the originally filed papers finds that the correct international application number was listed on the ADS and transmittal letter filed 15 December 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 15 December 2010 and to permit such materials to be treated as having been directed to international application PCT/JP2009/061305.

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/JP2009/061305.

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

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.
12/999,179	12/15/2010	Norio Yasui	P73760US0	3111

136 7590 02/24/2011
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

ART UNIT	PAPER NUMBER
3737	

MAIL DATE	DELIVERY MODE
02/24/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of:
YASUI, NORIO et al
Serial No.: 12/999,179
Filed: Dec. 15, 2010
Docket: P73760US0
Title:

SYRINGE NEEDLE GUIDING APPARATUS

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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. 23, 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 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.

The request to participate in the PPH program and petition met all conditions except Item #6 above.

The request to participate in the PPH program and petition fail to include a copy of the JPO cited references, namely, Japanese patent document No. 2004—267534; 2000—316866; 2002-507446; 2006-130201 and 2005-66310. .

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,179	12/15/2010	Norio Yasui	P73760US0	3111

136 7590 03/11/2011
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

ART UNIT	PAPER NUMBER
3737	

MAIL DATE	DELIVERY MODE
03/11/2011	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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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
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WASHINGTON DC 20004

In re Application of:
YASUI, NORIO et al
Serial No.: 12/999,179
Filed: Dec. 15, 2010
Docket: P73760US0
Title:

SYRINGE NEEDLE GUIDING APPARATUS

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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 10, 2011, to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more 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.

Other inquiries concerning the examination or status of the application should be directed to Brian Casler, the SPE of Art Unit 3737 at 571-272-4956 for Class 600/424 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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24239
MOORE & VAN ALLEN PLLC
P.O. Box 13706
Research Triangle, NC 27709

MAILED
AUG 02 2011
PCT LEGAL ADMINISTRATION

In re Application of :
SMITH *et al* :
U.S. Application No.: 12/999,185 :
PCT No.: PCT/US2009/047455 :
Int. Filing Date: 16 June 2009 :
Priority Date: 16 June 2008 :
Docket No.: 035413-304.08-006US :
For: IMPROVED FOLDING OF :
RECOMBINANT PROTEINS VIA :
CO-EXPRESSION OF ARCHAEAL :
CHAPERONES

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 26 May 2011.

BACKGROUND

On 19 January 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 26 May 2011, applicants filed the subject petition which was accompanied by, *inter alia*, a $200.00 petition fee; a three-month extension fee of $555.00.00; documentary evidence in support of the petition (Appendix A - C); and authorization to charge any required fee to Deposit Account No. 13-4365.

DISCUSSION

Applicants claim that co-inventor, Harold E. SMITH, is uncooperative and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

Applicants submitted the $200.00 petition fee. The last known address of the

nonsigning inventor was provided in the petition. Thus, items (1) and (3) of 37 CFR 1.47(a) are satisfied.

Regarding item (2), the 37 CFR 1.47(a) applicants provided an affidavit of Felicia Metz (Appendix A) who details her efforts in obtaining the signature of the nonsigning inventor. These efforts included sending a copy of a declaration by email to Mr. SMITH on 25 February 2011, with a follow-up email on 17 March 2011. Mr. SMITH responded on 18 March 2011 by email and stated that he would not cooperate until several issues are resolved. (Appendix B). No other evidence was provided.

This is not sufficient to show a refusal to join. MPEP § 409.03(d)(II) requires that for a refusal to be accepted, the 37 CFR 1.47(a) applicants must show that a complete copy of the application, including specification, claims and drawings, were presented (or attempted to be presented) to the nonsigning inventor.

In this case, the 37 CFR 1.47(a) applicants have not shown that a complete copy of the subject application was provided to Mr. SMITH prior to his response dated 18 March 2011. Ms. Metz states that only a declaration was provided. There is also no indication that a copy of the subject application was attached in the email sent to Mr. SMITH. As such, a refusal to cooperate cannot be shown. Petitioners must provide a complete copy of the subject application (specification, claims and drawings) to Mr. SMITH before a refusal to cooperate will be accepted. For this reason, item (2) of 37 CFR 1.47(a) is not yet satisfied.

With regards to item (4), a declaration signed by one of the two named inventors was provided as Appendix C. However, this declaration does not comply with 37 CFR 1.497(a)(2) and (a)(4) as it does not identify the specification to which it is directed, or states that the person making the declaration believes the named inventors to be the original inventors of the subject matter.[1]

It appears that petitioners did not provide a complete copy of the declaration executed by Frank T. ROBB. Page 1 of 3 and Page 2 of 3 of the declaration (Form PTO/SB/01 (04-09)) was not provided. A complete copy of this declaration, or a new declaration is required. For this reason, item (4) of 37 CFR 1.47(a) is also not satisfied.

All the requirements of 37 CFR 1.47(a) are not complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

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[1] The declaration also does not comply with 37 CFR 1.63(b).

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely respond will result in the abandonment of the application.

It is noted that the $65.00 surcharge fee has been charged to Deposit Account No. 13-4365 as authorized.

Any further correspondence may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 13706
Research Triangle, NC 27709

MAILED

NOV 28 2011

PCT LEGAL ADMINISTRATION

In re Application of
SMITH *et al*
U.S. Application No.: 12/999,185
PCT No.: PCT/US2009/047455
Int. Filing Date: 16 June 2009
Priority Date: 16 June 2008
Docket No.: 035413-304.08-006US
For: IMPROVED FOLDING OF RECOMBINANT PROTEINS VIA CO-EXPRESSION OF ARCHAEAL CHAPERONES

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 29 September 2011.

BACKGROUND

On 02 August 2011, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 29 September 2011, applicants filed the subject response which was accompanied by, *inter alia*, an affidavit of Marianne Fuierer, a declaration executed on behalf of the nonsigning inventor and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Dr. Harold E. SMITH, is uncooperative and have filed the subject petition under 37 CFR 1.47(a).

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1) and (3) of 37 CFR 1.47(a) were satisfied in the initial petition.

Regarding item (2) of 37 CFR 1.47(a), applicants previously demonstrated that the nonsigning inventor stated that he would not cooperate until several issues are resolved by email on 18 March 2011. However, applicants did not show that a complete copy of the subject application was provided to Dr. SMITH prior to this response. As such, a refusal to cooperate could not be shown.

In the renewed petition, applicants provided an affidavit of Marianne Fuierer who states that a complete copy of the subject application was forwarded to Dr. SMITH by mail (FedEx) and email on 17 August 2011. These documents by mail were delivered on 18 August 2011. No response from the nonsigning inventor has been received as of 29 September 2011. Sufficient documentary evidence was provided.

The lack of a response by Dr. SMITH constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(a) is complete.

With regards to item (4) of 37 CFR 1.47(a), applicants included a complete copy of the declaration signed by one of the two named inventors on behalf of the nonsigning inventor. This declaration complies with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A). Item (4) of 37 CFR 1.47(a) is also complete.

All items of 37 CFR 1.47(a) are now satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is hereby **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 June 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 29 September 2011.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Harold E. Smith
5217 Baltimore Ave.
Bethesda, MD 20816

MAILED
NOV 28 2011
PCT LEGAL ADMINISTRATION

In re Application of
SMITH *et al*
U.S. Application No.: 12/999,185
PCT No.: PCT/US2009/047455
Int. Filing Date: 16 June 2009
Priority Date: 16 June 2008
Docket No.: 035413-304.08-006US
For: IMPROVED FOLDING OF RECOMBINANT PROTEINS VIA CO-EXPRESSION OF ARCHAEAL CHAPERONES

Mr. Smith:

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

MOORE & VAN ALLEN PLLC
P.O. Box 13706
Research Triangle, NC 27709

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:	12999200	Filing date:	2011-01-12
First Named Inventor:	James Melvin Slicker		
Title of the Invention:	LIGHT DISPERSION EYEGLASS NOSE PAD		

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/US2009/047503

The international filing date of the corresponding PCT application(s) is/are: 2009-06-16

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
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12999200
First Named Inventor:	James Melvin Slicker

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 March 3, 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 March 3, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-25	1-25	All claims were found to be novel, to 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 /John P. Guenther/	Date 2011-03-04
Name (Print/Typed) John P. Guenther	Registration Number 39698

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 65599-001	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2009/047503	International filing date *(day/month/year)* 16 June 2009 (16.06.2009)	Priority date *(day/month/year)* 16 June 2008 (16.06.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant HARDISTY OPTICAL GROUP, LLC		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 18 December 2010 (18.12.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Dorothée Mülhausen e-mail: pt01.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
JOHN P. GUENTHER

DYKEMA GOSSETT PLLC 39577 WOODWARD AVENUE
SUITE 300 BLOOMFIELD HILLS MI 48304 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**20 JANUARY 2010 (20.01.2010)**
Applicant's or agent's file reference 65599-001	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/047503	**16 JUNE 2009 (16.06.2009)**	16 JUNE 2008 (16.06.2008)

International Patent Classification (IPC) or both national classification and IPC

G02C 5/12(2006.01)i

Applicant

HARDISTY OPTICAL GROUP, LLC et al

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**
If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	18 JANUARY 2010 (18.01.2010)	CHOI, Ki Hyuk Telephone No.82-42-481-5908

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/047503

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/US2009/047503

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	1-25	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-25	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-25	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: JP 07-294857 A (NEGISHI TORU) 10 November 1995
D2: KR 20-1989-0009469 Y1 (PARK WOONG-GI) 23 December 1989
D3: KR 20-0403687 Y1 (LEE SANG-TAK) 12 December 2005
D4: KR 10-2003-0071177 A (SIN SEOK-GYUN) 03 September 2003

1. Novelty and Inventive Step

1.1 Independent claims 1, 24

The subject matter of claims 1 and 24 relates to a nose pad configured that light directed at the first surface and passing through the second surface is dispersed.

D1- D3 merely disclose the nose pad comprising a first surface including: a first outer edge portion, a second outer edge portion, and a central portion provided between the first outer edge portion and the second outer edge portion; and a second surface opposing the first surface and including a contact portion configured to contact said nose.

However, these prior art do not suggest the subject matter of claims 1 and 24, nor is it obvious to a person skilled in the art by the documents. Accordingly, claims 1 and 24 are novel and involve an inventive step under PCT Article 33(2) and (3).

1.2 Dependent claims 2-23, 25

Claims 2-23 are dependent on claim 1 and claim 25 is dependent on claim 24. As claims 1 and 24 are considered to be novel and to involve an inventive step. Therefore, Claims 2-23 and claim 25 are also considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

2. Industrial Applicability

The inventions claimed in claims 1-25 are considered to be industrially applicable under PCT Article 33(4).

PCT/US09/47503 LIGHT DISPERSION EYEGLASS NOSE PAD 03-04-2011::12:18:54

Bibliographic Data

Application Number:	PCT/US09/47503	Customer Number:	26127
Int'l. Filing Date:	06-16-2009	Status:	Application Undergoing Preexam Processing
Application Type:	PCT	Status Date:	06-16-2009
Examiner Name:	-	Location:	-
Group Art Unit:	2873	Location Date:	-
Confirmation Number:	3450	WIPO Publication No.:	WO 2010/005717
Attorney Docket Number:	65599-001	WIPO Publication Date:	01-14-2010
Class / Subclass:	351/137	Patent Number:	-
First Named Inventor:	-	Issue Date of Patent:	-

Title of Invention: LIGHT DISPERSION EYEGLASS NOSE PAD

Close Window

CLAIMS

What is claimed:

1. A nose pad for supporting eyeglasses on a nose, the nose pad comprising:

a first surface including a first outer edge portion, a second outer edge portion, and a central portion provided between the first outer edge portion and the second outer edge portion;

a second surface opposing the first surface and including a contact portion configured to contact said nose;

wherein, the first outer edge portion, the second outer edge portion, and the central portion are configured so that light directed at the first surface and passing through the second surface is dispersed so that the light is not concentrated on said nose.

2. The nose pad of claim 1, wherein the contact portion is curved.

3. The nose pad of claim 1, wherein the contact portion is generally flat or convex.

4. The nose pad of claim 1, wherein the central portion includes a substantially flat segment extending between the first outer edge portion and the second outer edge portion.

5. The nose pad of claim 4, including a first radiused section between the first outer edge portion and the central portion, and a second radiused portion between the second outer edge portion and the central portion.

6. The nose pad of claim 1, wherein the first outer edge portion and the second outer edge portion each comprise flat segments.

7. The nose pad of claim 6, wherein the flat segments are about 0.5 mm in length.

8. The nose pad of claim 1, wherein the flat segments of the first outer edge portion and the second outer edge portion include a roughened outer surface.

9. The nose pad of claim 8, wherein the roughened outer surface is configured to reduce the intensity of light that strike the first outer edge portion and the second outer edge portion in a substantially perpendicular direction to the nose pad.

10. The nose pad of claim 1, wherein the first outer edge portion and the second outer edge portion each comprise a cusp that is substantially concave.

11. The nose pad of claim 1, wherein the first outer edge portion and the second outer edge portion, viewed in cross-section, do not include curved or rounded segments.

12. The nose pad of claim 1, wherein the nose pad includes a support structure configured to connect the nose pad to an eyeglass frame.

13. The nose pad of claim 1, wherein the support structure is configured to disperse light into a substantially uniform pattern across said nose.

14. The nose pad of claim 12, wherein the support structure is connected to an eyeglass frame.

15. The nose pad of claim 1, wherein the first outer edge portion, the central portion, and the second outer edge portion are configured to provide an uninterrupted substantially flat surface extending substantially along the entire cross-sectional length of the first surface.

16. The nose pad of claim 15, wherein the uninterrupted substantially flat surface includes a roughened or wavy outer surface.

17. The nose pad of claim 1, wherein the first surface is opaque.

18. The nose pad of claim 1, wherein the second surface is opaque.

19. The nose pad of claim 1, wherein the first surface is frosted.

20. The nose pad of claim 1, wherein the first surface is provided with a granular texture.

21. The nose pad of claim 1, wherein said first surface has a surface texture that randomly disperses light at the first surface into generally unconcentrated light intensity across said nose.

22. The nose pad of claim 1, wherein the nose pad is substantially translucent.

23. The nose pad of claim 1, wherein said nose pad is substantially comprised of silicone.

24. A nose pad for supporting eyeglasses on a nose, the nose pad comprising:

a first surface;

a second surface opposing the first surface and including a contact portion configured to contact said nose;

wherein, the first surface includes a wavy surface having periodic undulations, and the wavy surface is configured so that light directed at the first surface and passing through the second surface is dispersed so that the light is not concentrated on said nose.

25. The nose pad of claim 24, wherein the wavy surface extends substantially along the entire length of the first surface.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,200	01/12/2011	James Melvin Slicker	65599-008	3280

26127 7590 04/12/2011
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39577 WOODWARD AVENUE
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BLOOMFIELD HILLS, MI 48304-5086

EXAMINER

ART UNIT	PAPER NUMBER
2873	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DYKEMA GOSSETT PLLC
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BLOOMFIELD HILLS MI 48304-5086

In re Application of	
James SLicker	**: DECISION ON REQUEST TO**
Application No.: 12/999,200	**: PARTICIPATE IN THE PATENT**
Filed: 12 January 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 65599-008	**: PROGRAM AND PETITION**
For: LIGHT DISPERSION EYEGLASS	**: TO MAKE SPECIAL UNDER**
NOSE PAD	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 04 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof (if not in English);

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components