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

Application No:		Filing date:	
First Named Inventor:	Takashi Yamaguchi		
Title of the Invention:	Rotating Coil Type Electromagnetic Clutch		

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/JP2009/065237

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

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

(continued)

Application No.:	
First Named Inventor	Takashi Yamaguchi

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
Claim 1	Claim 1	the same
Claim 2	Claim 2	the same
Claim 3	Claim 3	the same
Claim 4	Claim 4	the same
Claim 5	Claim 5	the same

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

Signature	Date 1/19/2011
Name (Print/Typed) Eric S. Hyman	Registration Number 30,139

VERIFICATION OF TRANSLATION

International Application No. PCT/JP2009/065237

I, (Name and address of translator) Kiyotaka Ochiai
c/o Yamakawa International Patent Office,
Sanno Park Tower, 11-1, Nagatacho 2-chome,
Chiyoda-ku, Tokyo, Japan ,

am well acquainted with both the English and Japanese languages and the attached document is a true and correct translation made by me to the best of my knowledge and belief.

Signature of translator: Kiyotaka Ochiai
Kiyotaka Ochiai

Date: January 19, 2011

C L A I M S

1. A rotating coil type electromagnetic clutch comprising:

an armature which has a frictional surface and is rotated/driven by a driving source;

a field core which has a frictional surface facing the frictional surface of said armature and rotates integrally upon making the frictional surfaces frictionally engage with each other;

a rotating shaft on which said field core is axially mounted;

a brush holder mounted in a mounting recess portion formed in said field core;

a coil bobbin which is buried in said field core, around which an exciting coil is wound, and which is formed to have an inner diameter larger than an outer diameter of the mounting recess portion;

coil terminals to which a winding start portion and winding fish end portion of the exciting coil are electrically connected and which protrude from said coil bobbin in an axial direction of said rotating shaft;

slip rings including power feeding terminals which feed power to the exciting coil;

brushes which are mounted on said brush holder and electrically come into slidable contact with said slip ring;

extending portions which are integrally formed on said brush and is formed to extend in a direction opposite

to the center of said field core and bend in a direction away from said coil bobbin; and

terminals which are formed on an end portions of said extending portions so as to be oriented in the axial direction of said rotating shaft and electrically are in contact with said coil terminals along the axial direction of said rotating shaft.

2. A rotating coil type electromagnetic clutch according to claim 1, further comprising:

through holes formed in said extending portions of said brushes; and

projections which protrude from said brush holder, are fitted in said through holes, and are elastically deformed to mount said brushes on said brush holder.

3. A rotating coil type electromagnetic clutch according to claim 1, further comprising a plurality of branched contact portions on portions of said brushes which come into slidable contact with said slip rings.

4. A rotating coil type electromagnetic clutch according to claim 1, further comprising:

a pair of terminal storage holes which are formed in said field core and store said coil terminals;

a pair of support walls which are formed upright on said brush holder and respectively fitted in the pair of terminal storage holes.

5. The rotating coil type electromagnetic clutch according to claim 4, further comprising through

grooves in portions of said brush holder which correspond to said support walls,

wherein terminals of said brush which extend through said through grooves are in contact with said support walls, and said coil terminals and said support walls clamp the terminals of said brush.

請求の範囲

[請求項1]　摩擦面を有し駆動源によって回転駆動されるアーマチュアと、

前記アーマチュアの摩擦面に対向する摩擦面を有し、互いの摩擦面どうしを摩擦係合させることにより前記アーマチュアと一体的に回転するフィールドコアと、

前記フィールドコアが軸着された回転軸と、

前記フィールドコアに形成された取付凹部に取り付けられたブラシホルダーと、

前記フィールドコアに埋設され励磁コイルが巻回され前記取付凹部の外径よりも内径が大きく形成されたコイルボビンと、

前記励磁コイルの巻き始め端部および巻き終わり端部が電気的に接続され、前記コイルボビンから前記回転軸の軸線方向に突設されたコイル用端子と、

前記励磁コイルに給電する給電用の端子を有するスリップリングと、

前記ブラシホルダーに取り付けられ、前記スリップリングに電気的に摺接するブラシと、

前記ブラシに一体に形成され、前記フィールドコアの中心と反対方向に向かって延設され且つ前記コイルボビンから離間する方向に屈曲して形成された延設部と、

前記延設部の終端部に前記回転軸の軸線方向を指向し前記コイル用端子と前記回転軸の軸線方向に沿って電気的に接触する端子と、

を備えたことを特徴とするコイル回転型電磁クラッチ。

[請求項2]　前記ブラシの延設部に設けられた貫通孔と、

前記ブラシホルダーに突設され前記貫通孔に嵌合され、塑性変形させることによりブラシをブラシホルダーに取り付ける突起と、

を備えたことを特徴とする請求項１記載のコイル回転型電磁クラッチ。

[請求項3]　前記ブラシの前記スリップリングに摺接する部位に分岐した複数の接点部を備えたことを特徴とする請求項１記載のコイル回転型電磁クラッチ。

[請求項4]　前記フィールドコアに設けられ前記コイル端子を収納する一対の端子収納孔と、

前記ブラシホルダーに立設され前記一対の端子収納孔のそれぞれに嵌合される一対の支持壁と、

を備えたことを特徴とする請求項１記載のコイル回転型電磁クラッチ。

[請求項5]　前記ブラシホルダーの前記支持壁に対応した部位に貫通溝を備え、この貫通溝を貫通した前記ブラシの端子が前記支持壁に対接し、前記コイル用端子と前記支持壁とは前記ブラシの端子を挟持することを特徴とする請求項４記載のコイル回転型電磁クラッチ。

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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/054,936	02/11/2011	Takashi Yamaguchi	096790.P673	1484

8791 7590 05/05/2011

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
ART UNIT	PAPER NUMBER
3655	

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.

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re application of	:	**DECISION ON REQUEST TO**
Yamaguchi et al.	:	**PARTICIPATE IN PATENT**
Application No. 13/054,936	:	**PROSECUTION HIGHWAY**
Filed: February 11, 2011	:	**PROGRAM AND PETITION**
For: ROTATING COIL TYPE	:	**TO MAKE SPECIAL UNDER**
ELECTROMAGNETIC CLUTCH	:	**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 19, 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 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: 05/05/11

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-US (09-10)
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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 IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	13/054,994	Filing date:	20-Jan-2011
First Named Inventor:	Christopher W. Blackburn		
Title of the Invention:	AUTOMATED WAGERING GAME MACHINE CONFIGURATION AND RECOVERY		

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.

PCTUS0951327

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

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

21-Jul-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 IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	13/054,994
First Named Inventor:	Christopher W. Blackburn

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 20-Jan-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 20-Jan-2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-25	1-25	Same Claims

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

Signature /Andrew DeLizio Reg. 52,806/	Date June 6, 2011
Name (Print/Typed) Andrew DeLizio	Registration Number 52806

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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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/054,994	01/20/2011	Christopher W. Blackburn	100.064US1	1978

65375 7590 07/26/2011

WMS GAMING (DELIZIO GILLIAM)
C/O DELIZIO GILLIAM, PLLC
15201 MASON ROAD
SUITE 1000-312
CYPRESS, TX 77433

EXAMINER	
ART UNIT	PAPER NUMBER
3714	

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):

USPTO@DELIZIOGILLIAM.COM
USPTO2@DELIZIOGILLIAM.COM

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WMS GAMING (DELIZIO GILLIAM)
C/O DELIZIO GILLIAM, PLLC
15201 MASON ROAD
SUITE 1000-312
CYPRESS TX 77433

In re Application of:	: DECISION ON A REQUEST TO
BLACKBURN, CHRISTOPHER W., et al	: PARTICIPATE IN PATENT
Serial No.: 13/054994	: PCT/PROSECUTION HIGHWAY
Filed: 01/20/2011	: PROGRAM AND PETITION
Attorney Docket No. : 100.064US1	: TO MAKE SPECIAL UNDER
Title: AUTOMATED WAGERING GAME MACHINE CONFIGURATION AND RECOVERY	: 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 6, 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 IPAU, 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.

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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COMMISSIONER FOR PATENTS
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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

MAILED
FEB 25 2011
PCT LEGAL ADMINISTRATION

In re Application of LEE et al
U.S. Application No.: 13/055,008
PCT Application No.: PCT/KR2008/004210
Int. Filing Date: 18 July 2008
Priority Date Claimed: 23 July 2007
Attorney Docket No.: L69.12-0014
For: BOTTLE CAP

DECISION

This is in response to applicant's petition under 37 CFR 1.137(b) filed 20 January 2011.

BACKGROUND

On 18 July 2008, applicant filed international application PCT/KR2008/004210, which claimed priority of an earlier Korea application filed 23 July 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 29 January 2009. The thirty-month period for paying the basic national fee in the United States expired on 24 January 2010.

On 25 January 2010, international application PCT/KR2008/004210 became abandoned as to the United States for failure to timely pay the basic national fee.

On 20 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), the petition states, "The entire delay from the due date for payment of the National Stage filing fee until filing this Petition has been unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 18 July 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 January 2011.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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

45473
BRINKS, HOFER, GILSON & LIONE
P.O. Box 110285
Research Triangle Park, NC 27709

MAILED

MAY 13 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SOWA *et al* :
U.S. Application No.: 13/055,015 :
PCT No.: PCT/EP2009/058983 :
Int. Filing Date: 14 July 2009 :
Priority Date: 24 July 2008 :
Attorney Docket No.: 13779-655 :
For: OIL-IN-WATER EMULSION COMPRISING SOLVENT, WATER, SURFACTANT AND PESTICIDE :

DECISION

Applicants' "Petition Under 37 C.F.R. 1.181 to Correct Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 C.F.R. 1.495" filed on 22 March 2011 is hereby **GRANTED** as follows:

The Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed 16 February 2011 recorded the date of completion of all 35 U.S.C. 371 requirements as 24 January 2011 (the thirty-month date).

Section 1893.03(b) of the MPEP states that the date of completion of 35 U.S.C. 371 requirements is the earlier of 30 months from the priority date, or the date of request for early processing under 35 U.S.C. 371 (f) if requested prior to 30 months from the priority date provided that applicants submitted the basic national fee, a copy of the international application, an English translation (if applicable), and an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

In this case, applicants submitted an express request for early processing pursuant to 35 U.S.C. 371(f) on 20 January 2011. Applicants included the basic national fee, a copy of the international application, an English translation, and a declaration in compliance with 37 CFR 1.497(a) and (b).

Accordingly, the Form PCT/DO/EO/903 mailed 16 February 2011 contains erroneous information regarding the date of completion of all 35 U.S.C. 371 requirements and is hereby **VACATED**.

This application is being forwarded to the national stage division of the USPTO for the mailing of a corrected Form PCT/DO/EO/903 indicating the date of completion of 35

U.S.C. 371 requirements of 20 January 2011.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/055,025	01/20/2011	Tadamasa Toma	2011_0024A	2221

52349 7590 08/04/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
2484	

NOTIFICATION DATE	DELIVERY MODE
08/04/2011	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com

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

In re Application of: TOMA, TADAMASA et al.
Application No. 13/055,025
Filed: January 20, 2011
For: RECORDING MEDIUM, REPRODUCING DEVICE, ENCODING DEVICE, INTEGRATED CIRCUIT, AND REPRODUCTION OUTPUT DEVICE

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 May 3, 2011, to make the above-identified application special.

The petition is **DISMISSED.**

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

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

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

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

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

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

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

(7) For petitions to make special filed with a PPH request *on or after* May 25, 2010, the USPTO has eliminated the fee. Petitions to make special filed with a PPH request **prior** *to* May 25, 2010 will be treated under 37 CFR 1.102(d) and the petition fee set forth in 37 CFR 1.17(h) **will** be required. (see Fed. Reg. vol. 75, No. 100, dated 05/25/10).

The request to participate in the PPH program and petition do not meet the requirements set forth in item (3) above.

With respect to item (3), claim 26 corresponds to claim 3 of JP2010-545311, which was not found allowable in the JPO application. The JPO "Notification of Reasons for Refusal" mailed January 11, 2011 found that claim 3 failed to meet the requirement of Patent Law Section 36(6)(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.

Responses must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Aaron Strange at 571-272-3959.

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

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/055,025	01/20/2011	Tadamasa Toma	2011_0024A	2221

52349 7590 09/19/2011
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
ART UNIT	PAPER NUMBER
2484	

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):

ddalecki@wenderoth.com
eoa@wenderoth.com

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

In re Application of: TOMA, TADAMASA et al.
Application No. 13/055,025
Filed: January 20, 2011
For: RECORDING MEDIUM, REPRODUCING DEVICE, ENCODING DEVICE, INTEGRATED CIRCUIT, AND REPRODUCTION OUTPUT DEVICE

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

MAILED

SEP 19 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the reconsideration of the request to participate in the Patent Prosecution Highway (PPH) program filed August 19, 2011 and the original petition under 37 CFR 1.102(a), filed May 3, 2011, to make the above-identified application special.

The petition is **GRANTED.**

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

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

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

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

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

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

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

(7) For petitions to make special filed with a PPH request *on or after* May 25, 2010, the USPTO has eliminated the fee. Petitions to make special filed with a PPH request **prior** *to* May 25, 2010 will be treated under 37 CFR 1.102(d) and the petition fee set forth in 37 CFR 1.17(h) **will** be required. (see Fed. Reg. vol. 75, No. 100, dated 05/25/10).

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

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

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

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

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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FREDRIKSON & BYRON, P.A.
INTELLECTUAL PROPERTY GROUP
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS MN 55402

MAILED
NOV 08 2011
OFFICE OF PETITIONS

Applicant: Giovanni Mazzarolo
Appl. No.: 13/055,033
International Filing Date: July 24, 2009
Title: VENTILATED MOTORCYCLE BOOT
Attorney Docket No.: 47966.122.1
Pub. No.: US 20110126431 A1
Pub. Date: June 2, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 8, 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 and foreign priority 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 request is untimely, as it is not filed within two months of June 2, 2011, the date of the patent application publication.

Also, it is noted that on April 26, 2011, a Filing Receipt was mailed by the Office, which correctly reflects the desired assignee and foreign priority data.

For reference, 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

[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).

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

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MAILED

JUN 22 2011

PCT LEGAL ADMINISTRATION

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of:
CARTLEDGE, Richard, G., et al.
U.S. Application No.: 13/055,044
PCT No.: PCT/US2009/052053
International Filing Date: 29 July 2009
Priority Date: 29 July 2008
Attorney's Docket No.: 28099-0020
For: METHOD AND SYSTEM FOR LONG TERM ADJUSTMENT OF IMPLANTABLE DEVICE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "PETITION UNDER 37 C.F.R. § 1.47(a)" filed 03 May 2011. Applicants have paid the required petition fee.

BACKGROUND

On 29 July 2009, applicants filed international application PCT/US2009/052053. The international application claimed a priority date of 29 July 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., 29 January 2011.

On 20 January 2011, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 15 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 03 May 2011, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included the authorization to charge Deposit Account No. 12-1095 the required surcharge, a declaration executed by one of the two inventors of record, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of non-signing co-inventor Richard G. CARTLEDGE, whom applicants assert has refused to execute the application.

On 11 May 2011, the DO/EO/US issued a "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt identifying the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 03 May 2011.

On 06 June 2011, applicants filed correspondence requesting a corrected filing receipt and Notification Of Acceptance.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Procedure (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors of record, and the declaration includes an unsigned signature block for the non-signing co-inventor, Richard G. CARTLEDGE. This declaration may be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Accordingly, item (3) of a grantable petition is satisfied.

Regarding item (4), MPEP section 409.03(d)(II) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a firsthand statement, with supporting documents, providing an acceptable showing that a written request for signature accompanied by a copy of the complete application was delivered to the last known address of the non-signing inventor and that the non-signing inventor subsequently orally confirmed that he was refusing to execute the

application. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (4) is therefore satisfied.

Based on the above, applicants have satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

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

The application is accepted without the signature of non-signing co-inventor Richard G. CARTLEDGE.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for consideration of applicants' request for a corrected filing receipt and Notification Of Acceptance filed on 06 June 2011.

/RichardMRoss/

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

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MAILED

JUN 22 2011

PCT LEGAL ADMINISTRATION

Richard G. CARTLEDGE
4217 Mangrum Court
Hollywood, FL 33021

In re Application of: CARTLEDGE, Richard, G., et al.
U.S. Application No.: 13/055,044
PCT No.: PCT/US2009/052053
International Filing Date: 29 July 2009
Priority Date: 29 July 2008
Attorney's Docket No.: 28099-0020
For: METHOD AND SYSTEM FOR LONG TERM ADJUSTMENT OF IMPLANTABLE DEVICE

Dear Mr. CARTLEDGE:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

/RichardMRoss/

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

Counsel Of Record:
Stephen B. Goldman
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

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MAILED

FEB 22 2011

PCT LEGAL ADMINISTRATION

EARLE JENNINGS
8 KENYON AVE
KENSINGTON CA 94708

In re Application of	:	
RIPPINGALE, Jan	:	
Application No.: 13/055,049	:	DECISION ON
PCT No.: PCT/US2009/000156	:	
Int. Filing Date: 08 January 2009	:	PETITION UNDER
Priority Date: 06 February 2008	:	
Attorney Docket No.: PTSH-003US	:	37 CFR 1.137(b)
For: METHODS AND APPARATUS . . .	:	
STATE RETENTION	:	

This decision is in response to applicant's submission filed 20 January 2011.

BACKGROUND

On 08 January 2009, applicant filed international application PCT/US2009/000156 which designated the U.S. and claimed a priority date of 06 February 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 August 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 August 2010.

On 20 January 2011, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. basic national fee, a declaration of the inventor, and a petition under 37 CFR 1.137(b).

DISCUSSION

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

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

As to item (1), applicant submitted the basic national fee on 20 January 2011.

As to item (2), applicant submitted the petition fee on 20 January 2011.

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

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

The declaration of the inventor filed 20 January 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PETER S. WEISSMAN
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

MAILED
MAY 27 2011
PCT LEGAL ADMINISTRATION

In re Application of:
CHUNTONOV, Konstantin et al.
PCT Application No.: PCT/IL2009/000723
US Application No.: 13/055051
Int. Filing Date: 23 July 2009
Atty Docket No.: 136020.00101
For: LITHIUM OR BARIUM BASED FILM GETTERS

DECISION

UNDER

37 CFR § 1.181

Applicants' "PETITION TO CORRECT TO A UTILITY APPLICATION" which was received on 22 March 2011 requesting that 13/055,051 be converted to a continuation-in-part application under 35 U.S.C. 111(a). No fee is required.

BACKGROUND

On 23 July 2009, applicants filed international application PCT/IL2009/000723, which claimed priority to a US application.

On 20 January 2011, applicants filed a submission for entry to the United States. The papers were assigned U.S. application number 13/055,051. The Electronic Acknowledgement Receipt (N417) indicates the filing as U.S. National Stage under 35 USC 371.

On 22 March 2011, applicants filed the present petition to convert the application from a national stage application to a continuation application under 35 U.S.C. 111(a).

DISCUSSION

Any intended filing of an international application as a national stage application must clearly be identified as such and must satisfy all the conditions set forth in 35 U.S.C. 371(c). Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a). 37 CFR 1.495(g). In addition, section 1893.03(a) of the Manual of Patent Examining Procedure states, in part:

In accordance with the notice at 1077 O.G. 13 (14 April 1987) . . . if there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

A review of the subject application shows that "Utility Patent Application Transmittal (Form PTO/SB/05)" was filed on 20 January 2011. The Application Data Sheet (ADS) and the first paragraph of the specification also indicate that this application is a continuation-in-part of PCT/IL09/000723. As the instruction was in fact conflicting, the application should have been treated as a filing under 35 U.S.C. 111(a).

CONCLUSION

For the reason detailed above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

United States Patent and Trademark Office

Commissioner for Patents
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MAILED

MAR 28 2011

PCT LEGAL ADMINISTRATION

BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

In re Application of
Kim et al.
Application No.: 13/055,056
PCT No.: PCT/US2009/046579
Int. Filing Date: 08 June 2009
Priority Date: 09 June 2008
Attorney Docket No.: 11108-US-PCT
For: Hydroxyphenyl Sulfonamides As Antiapoptotic BCL Inhibitors

DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed on 20 January 2011 in the above-captioned application is hereby **GRANTED** as follows:

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

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

The declaration filed on 20 January 2011 (a copy of a declaration under PCT Rule 4.17(iv)) was signed after the international filing date (and therefore was not filed on the international filing date), but it does not identify the international application to which it was directed. Also, it appears to have been assembled by aggregating separately-signed sheets into a single document. MPEP 605.04(a) indicates that

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. >Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages).<

Under this policy, it would not be appropriate to accept the declaration for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

United States Patent and Trademark Office

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

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APR 11 2011

PCT LEGAL ADMINISTRATION

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of
Koch et al.
Application No.: 13/055,076
PCT No.: PCT/EP2009/004919
Int. Filing Date: 08 July 2009
Priority Date: 21 July 2008
Attorney Docket No.: 512100-2078
For: Preparation And Iontophoretic Device For Transdermal Application Of Active Ingredients

DECISION

This is in response to the papers filed on 20 January 2011.

BACKGROUND

International application PCT/EP2009/004919 was filed on 08 July 2009, claimed an earlier priority date of 21 July 2008, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 28 January 2010. The period for payment of the basic national fee in the United States expired as of midnight on 21 January 2011. Applicants filed *inter alia* a basic national fee in 13/055,076 on 20 January 2011.

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter filed on 20 January 2011 was directed toward the national stage under 35 U.S.C. 371 of "PCT/EP2009/004919," while the Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicants indicated that "PCT/US09/04919" was to enter the national stage. Inspection of published international application PCT/EP2009/004919 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.

DECISION

The papers filed on 20 January 2011 are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice, as described above.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT

Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

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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JUL 21 2011

PCT LEGAL ADMINISTRATION

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of
Koch et al.
Application No.: 13/055,076
PCT No.: PCT/EP2009/004919
Int. Filing Date: 08 July 2009
Priority Date: 21 July 2008
Attorney Docket No.: 512100-2078
For: Preparation And Iontophoretic Device For Transdermal Application Of Active Ingredients

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 09 May 2011.

DISCUSSION

In a Decision mailed on 11 April 2011, applicants were advised that

> Review of the instant application file reveals that the Transmittal Letter filed on 20 January 2011 was directed toward the national stage under 35 U.S.C. 371 of "PCT/EP2009/004919," while the Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicants indicated that "PCT/US09/04919" was to enter the national stage. Inspection of published international application PCT/EP2009/004919 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.

In response, applicants have filed the instant petition. Petitioner indicates that PCT/EP2009/004919 was intended to enter the national stage, and that this international application was identified on "all documents as filed." Petitioner further states that, during the EFS-Web filing process, "the international application number was erroneously transcribed into the data field. This error occurred without deceptive intent." Based on the totality of the evidence of record, it would be appropriate to accept petitioner's statements as to the identity of the international application and as to the origin of the discrepancy.

DECISION

The petition is **GRANTED**..

This application is being returned to the Office of Patent Application Processing for further processing as the national stage under 35 U.S.C. 371 of PCT/EP2009/004919.

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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/055,079	Filing date:	January 20, 2011
First Named Inventor:	Marie Just MIKKELSEN		
Title of the Invention:	INCREASED ETHANOL PRODUCTION IN RECOMBINANT BACTERIA		

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/EP2009/059421

The international filing date of the corresponding PCT application(s) is/are: 07/22/2009

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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/055,079
First Named Inventor:	Marie Just MIKKELSEN

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 20, 2011

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

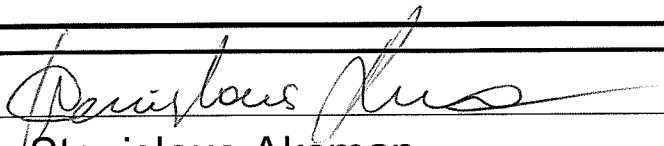
☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on June 20, 2011

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	sufficient correspondence
4	4	sufficient correspondence
5	5	sufficient correspondence
6	6	sufficient correspondence
7	7	sufficient correspondence
8	8	sufficient correspondence
9	9	same
10	10	same
11	11	sufficient correspondence
12	12	same
13	13	sufficient correspondence
14	14	sufficient correspondence
15	15	sufficient correspondence
16	16	same

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

Signature 	Date June 28, 2011
Name (Print/Typed) Stanislaus Aksman	Registration Number 28562

US Application No.: 13/055,079 Docket No. 66611.26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Marie Just MIKKELSEN et al.

Group Art Unit: 1653

US Application No.: 13/055,079

Examiner: Not yet assigned

Filed: January 20, 2011

Confirmation No.: 2641

International Application: PCT/EP2009/059421

Filed: July 22, 2009

For: INCREASED ETHANOL PRODUCTION IN RECOMBINANT BACTERIA

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

Transmittal of Request for Participation in the Patent Cooperation Treaty-Patent Prosecution Highway (PCT- PPH) Pilot Program Between The European Patent Office (EPO) and the USPTO and Request for Advancing Application out of Turn Under 37 CFR § 1.102(a)

Sir:

Applicants submit herewith a Request for Participation in the Patent Cooperation Treaty-Patent Prosecution Highway (PCT-PPH) Pilot Program Between the European Patent Office (EPO) and the USPTO ("Request for PCT-PPH Pilot Program"), in the above-identified U.S. Patent Application Serial No. 13/055,079 (the "'079 Application"). The '079 Application is a US national stage entry application of PCT application PCT/EP2009/059421, filed July 22, 2009, which claims priority to EPO application 08161066.9, filed July 24, 2008 (the "EPO '66.9 Application") and U.S. Provisional Application No. 61/100,504, filed September 26, 2008. Hence, Applicants submit, this '079 Application is entitled to participate in the PCT-PPH pilot program described in a USPTO notice dated January 23, 2010 ("Notice").

Applicants either previously filed or enclose herewith all the documents listed on the attached form PTO/SB/20PCT-EP. In accordance with the Notice, Applicants advise that the following documents were previously filed on the dates set forth below:

1. a copy of the latest international work product (WO/IPRP) and ISR (both produced by the EPO as the ISA) -filed on January 20, 2011;

2. a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application filed on January 20, 2011. For the Examiner's convenience, another copy of the claims is attached as Appendix A.

As is apparent from the comparison of all claims indicated as having novelty, inventive step and industrial applicability in the above-identified PCT application to the claims pending in this US national phase thereof, multiple dependencies were removed in several claims in the U.S. national phase entry. Claim 8 was amended to delete "...or mutants thereof" to fully address the only objection in the IPRP.

Applicants also respectfully request that the Director order the above-identified patent application to be advanced out of turn to expedite the business of the Office under 37 CFR 1.102(a). This paper is an attachment to the Request for PCT-PPH Pilot Program.

Applicants understand that no fee for petition to make this application special in conjunction with the Request For PCT-PPH Pilot Program is necessary, as set forth in the Notice Regarding the Elimination of the Fee for Petitions To Make Special Filed Under the Patent Prosecution Highway (PPH) Programs, published in 75 Fed. Reg. 29312 on May 25, 2010.

Please charge any shortage in fees due in connection with the filing of this paper and accompanying papers, including extension of time fees, to Deposit Account 50-2478 and please credit any excess fees to such deposit account.

However in the event any fees, including petition or extension of time fees, are due in connection with this paper or the PPH Request, please charge such fees to Deposit Account no. 50-2478.

June 28, 2011
Date

Stanislaus Aksman
Registration No. 28,562
Roberts Mlotkowski Safran & Cole P.C.
P.O. Box 10064
McLean, VA 22102
(703) 677-3003 Telephone
(703) 848-2981 Facsimile

16830PCT00

CLAIMS

1. A thermophilic recombinant bacterium comprising a heterologous gene encoding a glycerol dehydrogenase, wherein the heterologous gene encoding a glycerol dehydrogenase has been incorporated into the chromosome.

2. A bacterium according to claim 1, wherein the inserted heterologous gene is encoding a glycerol dehydrogenase selected from the group consisting of Glycerol dehydrogenase (E.C 1.1.1.6); Glycerol dehydrogenase (NADP(+)) (E.C. 1.1.1.72); Glycerol 2-dehydrogenase (NADP(+)) (E.C. 1.1.1.156); and Glycerol dehydrogenase (acceptor) (E.C. 1.1.99.22).

3. A bacterium according to any one of the preceding claims, wherein the heterologous gene encoding a glycerol dehydrogenase is derived from *Thermotoga* or is derived from *Geobacillus*.

4. A bacterium according to any one of the preceding claims, wherein the heterologous gene encoding a glycerol dehydrogenase is selected from the group consisting 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:7, SEQ ID NO:8, SEQ ID NO:9, SEQ ID NO:10, SEQ ID NO:11, SEQ ID NO:12, SEQ ID NO:13, SEQ ID NO:14, SEQ ID NO:15, SEQ ID NO:16 and SEQ ID NO:17.

5. A bacterium according to any one of the preceding claims, wherein the heterologous gene encoding a glycerol dehydrogenase is inserted into a lactate dehydrogenase encoding region of said bacterium, or is inserted into a phosphotransacetylase encoding region of said bacterium, or is inserted into an acetate kinase encoding region of said bacterium.

6. A bacterium according to any one of the preceding claims, wherein said heterologous gene encoding glycerol dehydrogenase is operably linked to an inducible, a regulated or a constitutive promoter.

7. A bacterium according to any one of the preceding claims, wherein the bacterium is derived from the genus of *Thermoanaerobacter*.

8. A bacterium according to claim 7, which is a *Thermoanaerobacter mathranii* strain selected from BG1 (DSMZ Accession number 18280) and mutants thereof.

9. A bacterium according to claim 7, which is the *Thermoanaerobacter mathranii* strain BG1G1 (DSMZ Accession number 19229).

16830PCT00

10. A bacterium according to claim 1, having increased ethanol yield from xylose when cultivated in a growth medium comprising glycerol and xylose as compared to parental bacterium.

11. A method for producing ethanol, said method comprising the steps of culturing a bacterium according to any one of claims 1-10 in a growth medium comprising glycerol and a carbohydrate source under suitable conditions, wherein the carbohydrate source is selected from the group consisting of a monosaccharide, an oligosaccharide and a polysaccharide.

12. A method according to claim 11, wherein the carbohydrate source is a polysaccharide selected from the group consisting of starch, lignocellulose, cellulose, hemicellulose, glycogen, xylan, glucuronoxylan, arabinoxylan, arabinogalactan, glucomannan, xyloglucan, and galactomannan.

13. A method according to any one of the claims 11-12, which is a fermentation process performed under strict anaerobic conditions.

14. A method according to any one of claims 11-13, which is a continuous fermentation process.

15. A method according to any one of claims 11-14, wherein the growth medium comprises a concentration of 40% up to 400% (w/w) of glycerol relative to xylose.

16. A method for producing a recombinant bacterium having increased ethanol yield from xylose when cultivated in a growth medium comprising glycerol and xylose as compared to parental bacterium, said method comprising

(a) transforming a parental thermophilic bacterium by the insertion of a heterologous gene encoding glycerol dehydrogenase into the chromosome of the bacterium; and

(b) obtaining said recombinant bacterium.

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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AUG 23 2011

PCT LEGAL ADMINISTRATION

ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN VA 22102-8064

In re Application of
MIKKELSEN et al.
Application No.: 13/055,079
PCT No.: PCT/EP2009/059421
Int. Filing Date: 22 July 2009
Priority Date: 24 July 2008
Attorney's Docket No.: 66611.26
For: INCREASED ETHANOL PRODUCTION IN RECOMBINANT BACTERIA

DECISION

This decision is in response to applicants' "REQUEST TO CORRECT NOTICE OF ACCEPTANCE OF APPLICATION" filed 20 May 2011 and applicants' "SECOND REQUEST TO CORRECT NOTICE OF ACCEPTANCE OF APPLICATION" filed 21 June 2011, which have properly been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 22 July 2009, applicants filed international application PCT/EP2009/059421, which designated the United States and claimed a priority date of 24 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 January 2011.

On 20 January 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 22 April 2011, the United States Designated/Elected Office (DO/EO/US) issued a Filing Receipt and a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 31 March 2011 and a 35 U.S.C. 371 date of 31 March 2011.

On 20 May 2011, applicants filed a "REQUEST TO CORRECT NOTICE OF ACCEPTANCE OF APPLICATION" and a "REQUEST FOR CORRECTED FILING RECEIPT".

On 08 June 2011, the DO/EO/US issued a second Filing Receipt and a second NOTICE OF ACCEPTANCE OF APPLICATION.

On 21 June 2011, applicants filed a "SECOND REQUEST TO CORRECT NOTICE OF ACCEPTANCE OF APPLICATION".

DISCUSSION

The petition requests that a new NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 indicating that the specification, claims, abstract and Drawings were filed on 20 January 2011 rather than 30 March 2011 be issued. Because these items were filed on 20 January 2011, it is proper to issue a new NOTICE OF ACCEPTANCE OF APPLICATION.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating that the specification, claims, abstract and drawings were filed on 20 January 2011 (rather than 31 March 2011). (The 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and the 35 U.S.C. 371 date remain the same (31 March 2011).)

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROBERTS MLOTKOWSKI SAFRAN
& COLE, P.C.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 10064
MCLEAN VA 22102-8064

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of
MIKKELSEN, et al
Application No.: 13/055,079
Filed: March 31, 2011
Attorney Docket No.: 66611.26
For: INCREASED ETHANOL PRODUCTION IN RECOMBINANT BACTERIA

: 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 June 28, 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, Australia, Austria, KIPO, NPI, Russia, Spain, Sweden, Finland, China, or USPTO;

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

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

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof 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 the undersigned at (571) 272-6735.

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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95825
WOMBLE CARLYLE SANDRIDGE & RICE PLLC
Targacept
Attention: IP Docketing
P.O. Box 7037
Atlanta, GA 30357

MAILED

APR 06 2011

PCT LEGAL ADMINISTRATION

In re Application of
AKIREDDY *et al*
U.S. Application No.: 13/055,085
PCT No.: PCT/US2009/049373
Int. Filing Date: 01 July 2009
Priority Date: 03 July 2008
Docket No.: T103 2200US
For: DERIVATIVES OF OXABISPIDINE AS NEURONAL NICOTINIC ACETYLCHOLINE RECEPTOR LIGANDS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 20 January 2011 with the national stage papers 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
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HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E. HARMONY ROAD
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FORT COLLINS, CO 80528

MAILED
OCT 19 2011
PCT LEGAL ADMINISTRATION

In re Application of BERGMAN et al :
U.S. Application No.: 13/055,118 :
PCT Application No.: PCT/US2008/009311 :
Int. Filing Date: 31 July 2008 : DECISION
Priority Date Claimed: none :
Attorney Docket No.: 200704144US01 :
For: PERCEPTUAL SEGMENTATION OF IMAGES :

This is in response to applicant's correspondence filed 19 April 2011, which is being treated as a petition under 37 CFR 1.497(d) and request for status under 37 CFR 1.42[1].

BACKGROUND

On 31 July 2008, applicant filed international application PCT/US2008/009311. A copy of the international application was communicated to the USPTO from the International Bureau on 04 February 2010. The thirty-month period for paying the basic national fee in the United States expired on 31 January 2011.

On 20 January 2011, 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 18 February 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 in compliance with 37 CFR 1.497 must be filed.

On 19 April 2011, applicant filed the present petition under 37 CFR 1.497(d) and request for status under 37 CFR 1.42.

[1] The request for status fails to indicate whether the third inventor is deceased or incapacitated. Accordingly, it is presumed that the third inventor is deceased. If this assumption is incorrect, applicant is required to notify the Office immediately.

DISCUSSION

I. Petition under 37 CFR 1.497(d)

The petition states that Gitit Ruckenstein should be added as an inventor. However, a review of the international application reveals that Gitit Ruckenstein was already listed as an inventor in the PCT Request. Accordingly, a petition to add Gitit Ruckenstein as an inventor is unnecessary.

II. Request for status under 37 CFR 1.42

The declaration indicates that Gitit Ruckenstein 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 19 April 2011 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons in §I above, the petition under 37 CFR 1.497(d) is DISMISSED AS MOOT.

For the reasons in §II 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 31 July 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 April 2011.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/055121	Filing date:	January 20, 2011
First Named Inventor:	Qing Ye		
Title of the Invention:	COMPOUND COMPRISING PHENYL PYRIDINE 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/US09/46372

The international filing date of the corresponding PCT application(s) is/are: June 5, 2009

I. List of Required Documents:

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

☒ Is attached

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

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

☒ Is attached.

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

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

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

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/055121
First Named Inventor:	Qing Ye

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
1-23	1-17	Claims 1-17 are identical to claims 1-17 of the PCT application
		Claims 18-23 correspond to claims 1-17 of the PCT application since they are narrower in scope

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

Signature /ptd47323/	Date 2-16-11
Name (Print/Typed) Peter T. DiMauro	Registration Number 47,323

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.

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.
13/055,121	01/20/2011	Qing Ye	225630_6	3132

52082 7590 04/26/2011

General Electric Company
GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484

EXAMINER	
GARRETT, DAWN L	
ART UNIT	**PAPER NUMBER**
1786	

NOTIFICATION DATE	DELIVERY MODE
04/26/2011	ELECTRONIC

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

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

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

gpo.mail@ge.com
allyson.carnaroli@ge.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 25, 2011

In re application of	:	DECISION ON REQUEST TO
Qing Ye et al	:	PARTICIPATE IN PATENT
Serial No. 13/055,121	:	PROSECUTION HIGHWAY
Filed: January 20, 2011	:	PROGRAM AND
For: COMPOUND COMPRISING	:	PETITION TO MAKE SPECIAL
PHENYL PYRIDINE UNITS	:	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 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, USPTO or KIPO;

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DANISCO US INC.
ATTENTION: LEGAL DEPARTMENT
925 PAGE MILL ROAD
PALO ALTO CA 94304

MAILED

FEB 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
COSTABLE :
Application No.: 13/055,127 :
PCT No.: PCT/EP2009/055226 : DECISION ON PETITION
Int. Filing Date: 29 April 2009 :
Priority Date: 30 April 2008 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: 31082US :
For: METHODS AND MATERIALS FOR :
DEGRADNG PYRETHROID :

The petition to revive under 37 CFR 1.137(b) filed 20 January 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).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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 07 2011

OFFICE OF PETITIONS

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND OR 97205-3335

Applicant: Hideaki Ota
Appl. No.: 13/055,133
International Filing Date: January 14, 2009
Title: CLEANING DEVICE FOR SUNLIGHT COLLECTING DEVICES IN A SOLAR THERMAL ELECTRIC POWER GENERATION SYSTEM
Attorney Docket: ACO10307PCTUS
Pub. No.: US 20110126378 A1
Pub. Date: June 2, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 2, 2011, for the above-identified application.

The request is granted.

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

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

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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JUN 17 2011

PCT LEGAL ADMINISTRATION

OPX BIOTECHNOLOGIES, INC.
2425 55TH STREET, STE.
#100
BOULDER, CO 80301

In re Application of LIPSCOMB et al
U.S. Application No.: 13/055,138
PCT Application No.: PCT/US2009/051607
Int. Filing Date: 23 July 2009
Priority Date Claimed: 23 July 2008
Attorney Docket No.: 34246-723.831
For: METHODS, SYSTEMS AND COMPOSITIONS FOR INCREASED MICROORGANISM TOLERANCE TO AND PRODUCTION OF 3-HYDROXYPROPIONIC ACID (3-HP)

DECISION

This is in response to applicant's petition under 37 CFR 1.182 filed 18 April 2011.

BACKGROUND

On 23 July 2009, applicant filed international application PCT/US2009/051607, which claimed priority of an earlier United States application filed 23 July 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 28 January 2010. The thirty-month period for paying the basic national fee in the United States expired on 24 January 2011.

On 20 January 2011, 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 17 February 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 in compliance with 37 CFR 1.497 must be filed.

On 18 April 2011, applicant filed the present petition under 37 CFR 1.182 along with an executed declaration.

DISCUSSION

The name of the first inventor as shown in the declaration does not match that shown in the international application. MPEP 1893.01(e) states in relevant part, "Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c)." The petition includes a statement from the inventor setting forth both names and the reason for the name change. The requisite $400.00 petition fee will be charged to Deposit Account No. 50-4580 as authorized by applicant.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 23 July 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 18 April 2011.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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

Attorney Docket No.: 1422-0778PUS1

Application No:	13/055,150	Filing date:	January 21, 2011
First Named Inventor:	Hiroyuki KATO		
Title of the Invention:	CRYSTAL GROWTH INHIBITOR FOR FATS AND OILS		

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/JP2009/063287

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

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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 PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on 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
1	1	Identical
2	2	Identical

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

Signature	Date APR 05 2011
Name (Print/Typed) Craig A. McRobbie	Registration Number 42874

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 09-028-PCTJP	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/063287	International filing date *(day/month/year)* 24 July 2009 (24.07.2009)	Priority date *(day/month/year)* 24 July 2008 (24.07.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant Taiyo Kagaku Co., Ltd.		

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

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

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

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

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

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

	Date of issuance of this report 08 March 2011 (08.03.2011)
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

Form PCT/IB/373 (January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/063287

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/JP2009/063287

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

1. Statement

Novelty (N)	Claims	1-2	YES
	Claims		NO
Inventive step (IS)	Claims	1-2	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-2	YES
	Claims		NO

2. Citations and explanations:

• The invention as described in claims 1-2 is not disclosed in any of the documents cited in the ISR, and is novel and involves an inventive step.

In particular, none of the documents discloses a crystal growth inhibitor for fats and oils containing a polyglycerol fatty acid ester having a hydroxyl value of 100 mg KOH/g or less that is an esterification product of a fatty acid and a polyglycerol of which the hydroxyl value is 850 mg KOH/g or less, and of which the primary hydroxyl group content is 50% or more of all hydroxyl groups therein.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/JP2009/063287

A. CLASSIFICATION OF SUBJECT MATTER
C11B5/00(2006.01)i

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

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
C11B5/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Jitsuyo Shinan Koho 1922-1996 Jitsuyo Shinan Toroku Koho 1996-2009
Kokai Jitsuyo Shinan Koho 1971-2009 Toroku Jitsuyo Shinan Koho 1994-2009

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
CA/REGISTRY(STN), Science Direct, CiNii, JSTPlus(JDreamII), JST7580(JDreamII), PATENT FILE(PATOLIS)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 2006/041011 A1 (Taiyo Kagaku Co., Ltd.), 20 April, 2006 (20.04.06), Claims & JP 2006-111539 A & JP 2006-346526 A & US 2009/18358 A1 & EP 1801096 A1	1-2
A	HENDRICKSON, The Determination of Primary Alcohol Groups in Polyglycols Using Triphenylchloromethane, Anal.Chem., 1964, 36(1), p.126-128	1-2
A	JP 2002-212587 A (SAKAMOTO YAKUHIN KOGYO CO., LTD.), 31 July, 2002 (31.07.02), Claims (Family: none)	1-2

[X] Further documents are listed in the continuation of Box C. [ ] See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
10 August, 2009 (10.08.09)	18 August, 2009 (18.08.09)
Name and mailing address of the ISA/ Japanese Patent Office	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/JP2009/063287

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 10-245583 A (Taiyo Kagaku Co., Ltd.), 14 September, 1998 (14.09.98), Claims (Family: none)	1-2
A	JP 9-176680 A (Mitsubishi Chemical Corp.), 08 July, 1997 (08.07.97), Claims & US 5733594 A	1-2

CERTIFICATION OF TRANSLATION

I, Sonoko TSUKIYAMA, of c/o Hosoda International Patent Office, OMM Building 5th Floor, P.O. Box 26, 1-7-31 Otemae, Chuo-ku, Osaka 540-6591 Japan, state that the attached documents are a true and complete translation to the best of my knowledge of Claims of International Patent Application No. PCT/JP2009/063287.

Dated this 31st day of March, 2011

Signature of Translator: Sonoko Tsukiyama

Sonoko TSUKIYAMA

請求の範囲

[請求項1] 水酸基価が８５０ｍｇＫＯＨ／ｇ以下であり、かつ、ポリグリセリンの全ての水酸基のうち１級水酸基含有率が５０％以上であるポリグリセリンと、脂肪酸とのエステル化物であるポリグリセリン脂肪酸エステルであって、水酸基価が１００ｍｇＫＯＨ／ｇ以下であるポリグリセリン脂肪酸エステルを含有してなる、油脂結晶成長抑制剤。

[請求項2] 油脂と、請求項１記載の油脂結晶成長抑制剤を含有してなる油脂組成物であって、ポリグリセリン脂肪酸エステルの含有量が０．００５～５重量％である、油脂組成物。

CLAIMS

[Claim 1] An inhibitor for crystal growth of fats and oils, comprising a polyglycerol fatty acid ester, which is an esterified product formed between a polyglycerol and a fatty acid, the polyglycerol having a hydroxyl value of 850 mg KOH/g or less and a ratio of primary hydroxyl groups to all the hydroxyl groups of the polyglycerol of 50% or more, wherein the polyglycerol fatty acid ester has a hydroxyl value of 100 mg KOH/g or less.

[Claim 2] A composition of fats and oils comprising

fats and oils, and

the inhibitor for crystal growth of fats and oils as defined in claim 1, wherein the composition contains the polyglycerol fatty acid ester in an amount of from 0.005 to 5% by weight.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/055,150	01/21/2011	Hiroyuki Kato	1422-0778PUS1	3452

2292 7590 06/01/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

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):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
Kato, et al.	:	PARTICIPATE IN PATENT
Serial No. 13/055150	:	PROSECUTION HIGHWAY
Filed: January 21, 2011	:	PROGRAM AND
For: **CRYSTAL GROWTH INHIBITOR FOR FATS AND OILS**	:	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 April 05, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

applicability along with an English translation thereof if the latest international work product is not in the English language; and

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

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

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

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

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

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700

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JUL 05 2011

PCT LEGAL ADMINISTRATION

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

In re Application of
Stangl et al.
Application No. 13/055,156
Filing Date: January 21, 2011
Atty. Docket No.: 50501.294
For: Devices And Methods For Processing And Handling Processed Goods

DECISION ON

PETITION UNDER

37 CFR 1.182

This is in response to the petition under 37 CFR 1.182 filed on 04 May 2011.

BACKGROUND

International application PCT/EP2009/005288 was filed on 21 July 2009, claimed an earlier priority date of 24 July 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 28 January 2010. The 30 month time period for paying the basic national fee in the United States expired at midnight on 24 January 2011. Applicants filed papers and fees in 13/055,156 on 21 January 2011.

On 29 April 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed.

DISCUSSION

Petitioner requests conversion of this application from the status of a national stage application under 35 U.S.C. 371 to that of an application filed under 35 U.S.C. 111(a).

Review of the record reveals that the Electronic Acknowledgment Receipt associated with the correspondence filed on 21 January 2011 via EFS-Web indicates the instant application to be a national stage under 35 U.S.C. 371 of "PCT/EP09/05288." Inspection of the specification filed on that date reveals that it identifies the application as "a continuation of copending International Application No. PCT/EP2009/005288," and review of the accompanying Application Data Sheet (ADS) reveals a consistent characterization of this application as a continuation of said international application.

As described at MPEP 1893.03(a), the USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.

To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.

Alternatively, one of the following indications may be used:

1) the applicant shall clearly state in the transmittal or cover letter that he or she is filing under 35 U.S.C. 371 or entering the national stage under PCT; or

2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the invention described in the identified international application.

If there are any conflicting instructions as to which section of the statute (371 or 111(a)) is intended the application will be accepted under 35 U.S.C. 111(a).

As described above, review of the instant application file reveals that it was indicated to be intended as a national stage application under 35 U.S.C. 371 during the EFS-Web filing process, but that contrary indicia appeared in the specification and ADS filed on 21 January 2011. Under the policy referenced above, this application properly should be processed under 35 U.S.C. 111(a).

The Notification of Missing Requirements mailed on 29 April 2011 is **VACATED**.

DECISION

The petition is **GRANTED**.

This application will be returned to the Office of Patent Application Processing for processing as a utility application filed under 35 U.S.C. 111(a). This processing will include the correction of PALM records to remove the indications that the application was filed under 35 U.S.C. 371, and will also include fee processing consistent with a 35 U.S.C. 111(a) application.

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

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

MAILED
MAR 22 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
SUMCAD et al	:	
Application No.: 13/055,171	:	
PCT No.: PCT/US2009/046628	:	
Filing Date: 08 June 2009	:	PETITION UNDER
Priority Date: 27 June 2008	:	
Attorney's Docket No.: 084556-9087-00	:	
For: ELECTRONIC DOOR LOCK WITH MODULAR COMPONENTS	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed 21 January 2011.

BACKGROUND

On 08 June 2009, this international application was filed, claiming an earliest priority date of 27 June 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 27 December 2010. This international application became abandoned with respect to the United States at midnight on 27 December 2010 for failure to pay the required basic national fee.

On 21 January 2011, applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

DECISION

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

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

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

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LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED

JUN 01 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Gazzaniga et al	:	
Application No.: 13/055,191	:	
PCT No.: PCT/EP09/005370	:	
Int. Filing Date: 23 July 2009	:	PAPERS FILED
Priority Date: 24 July 2008	:	
Attorney's Docket No.: SS122.1032	:	
For: PHARMACEUTICAL DOSAGE FORMS FOR	:	
TIME-SPECIFIC DRUG DELIVERY	:	UNDER 37 CFR 1.42

This is a decision is in response to applicants' "SUBMISSION OF THE EXECUTED DECLARATION" filed 25 March 2011, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 21 January 2011, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). No executed declaration was submitted at such time.

On 17 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment."

On 25 March 2011, applicants submitted an executed declaration which is signed by Gianaldo TAVELLA as the sole heir of the deceased and legal representative of the fifth joint inventor Maria Edvige SANGALLI.

DISCUSSION

The executed declaration submitted is signed by the sole heir and legal representative Gianaldo TAVELLA of the deceased inventor (Maria Edvige SANGALLI) and it satisfies the requirements under 37 CFR 1.42.

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

CONCLUSION

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

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date of this application as **25 March 2011**.

Rafael Bacares
PCT Legal Examiner
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OPPENHEIMER WOLFF & DONNELLY LLP
45 SOUTH SEVENTH STREET, SUITE 3300
MINNEAPOLIS, MN 55402

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NOV 03 2011

OFFICE OF PETITIONS

Applicant(s): VALK, et al.
Appl. No.: 13/055,207
International Filing Date: July 23, 2009
Title: DEVICE AND METHOD FOR AUTOMATICALLY SAMPLING AND MEASURING BLOOD ANALYTES
Attorney Docket No.: 22968-3103/US
Pub. No.: US 2011/0137208 A1
Pub. Date: June 9, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on July 6, 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 publication wherein joint inventor Jeffrey Walter Valk was omitted.

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

The error on the front page of the publication wherein Jeffrey Walter Valk was omitted as an inventor may be Office error, but is not a material error under 37 CFR 1.221(b). The omission of an inventor's name does not affect the understanding of the application. The mistake 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).

On February 25, 2011, a Filing Receipt was mailed by the Office, which failed to list the name of joint inventor Jeffrey Walter Valk. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application. The request for a Corrected Filing Receipt on March 8, 2011 was received too late for the Office to update the Office's records and for use in the publication.

Applicant is encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions, contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov.
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

The application is being referred to the Office of Patent Application Processing (OPAP) for consideration of the Request for Corrected Filing Receipt filed March 8, 2011.

Telephone inquires related to this decision should be directed to Sherry D. Brinkley at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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PO BOX 747
FALLS CHURCH VA 22040-0747

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MAY 26 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
VARLA et al	:	
Application No.: 13/055,271	:	
PCT No.: PCT/FI2008/050444	:	PAPERS FILED
Int. Filing Date: 24 July 2008	:	
Priority Date: N/A	:	
Attorney's Docket No.: 0365-0814PUS1	:	
For: NESTED COMPOUND LOUDSPEAKER DRIVE UNIT	:	UNDER 37 CFR 1.42

This is a decision on the declaration filed 14 March 2011, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 21 January 2011, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration was submitted at such time.

On 23 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment."

On 14 March 2011, applicants submitted an executed declaration which is signed by Anni Tuulia KOLISOJA, Terhi Ina Aurora VARLA, and Arno Mikael VARLA as legal representative or all heirs of the deceased joint inventor Ari VARLA.

DISCUSSION

The executed declaration submitted is signed by Anni Tuulia KOLISOJA, Terhi Ina Aurora VARLA, and Arno Mikael VARLA as heirs and legal representatives of the deceased inventor (Ari VARLA) and it satisfies the requirements under 37 CFR 1.42.

As such, this is being construed that Anni Tuulia KOLISOJA, Terhi Ina Aurora VARLA, and Arno Mikael VARLA are all the heirs, (sole heirs) as listed on the bottom section of the declaration where they signed, of the deceased joint inventor Ari VARLA. If this interpretation is incorrect, that is, if there are other heirs, then applicant is required to promptly notify the Office of such and to submit a declaration properly executed by all the sole heirs of the deceased joint inventor in response to this decision.

Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

CONCLUSION

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

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date of this application as **14 March 2011**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6312
Fax: (703) 308-6459

Doc Code: PPH.PET.652
Document Description: Petition to make special under PCT-Patent Pros Hwy 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.:	13/055,302	Filing Date:	January 21, 2011
First Named Inventor:	Kazuya SATO et al.		
Attorney Docket No.:	148298		
Title of the Invention:	CARRIER FOR DOUBLE-SIDE POLISHING APPARATUS, DOUBLE-SIDE POLISHING APPARATUS USING THE SAME, AND DOUBLE-SIDE POLISHING METHOD		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/003457

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

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 PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/055,302
First Named Inventor:	Kazuya SATO et al.

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

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on January 21, 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 21, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
6	1	Claim 6 of the U.S. application corresponds identically to claim 1 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application.
7	2	Claim 7 of the U.S. application corresponds identically to claim 2 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 7 of the U.S. application is revised to be dependent on claim 6 (corresponding to PCT claim 1).
8	3	Claim 8 of the U.S. application corresponds identically to claim 3 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 8 of the U.S. application is revised to be dependent on claim 7 (corresponding to PCT claim 2).
9-11	4	Claims 9-11 of the U.S. application correspond identically to claim 4 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 4 of the PCT application is a multiple dependent claim depending from claims 1-3. Claim 9 of the U.S. application depends from claim 6 (corresponding to PCT claim 1). Claim 10 of the U.S. application depends from claim 7 (corresponding to PCT claim 2). Claim 11 of the U.S. application depends from claim 8 (corresponding to PCT claim 3). Claims 9-11 are thus individually dependent claims corresponding to multiple dependent claim 4 of the PCT application.
12-14	5	Claims 12-14 of the U.S. application correspond identically to claim 5 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 5 of the PCT application is a multiple dependent claim depending from claims 1-3. Claim 12 of the U.S. application depends from claim 6 (corresponding to PCT claim 1). Claim 13 of the U.S. application depends from claim 7 (corresponding to PCT claim 2). Claim 14 of the U.S. application depends from claim 8 (corresponding to PCT claim 3). Claims 12-14 are thus individually dependent claims corresponding to multiple dependent claim 4 of the PCT application.

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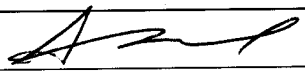
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Signature 	Date April 21, 2011
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Andrew B. Whitehead	Registration Number 61,989

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kazuya SATO et al.

Group Art Unit:

Application No.: 13/055,302

Examiner:

Filed: January 21, 2011

Docket No.: 148298

For: CARRIER FOR DOUBLE-SIDE POLISHING APPARATUS, DOUBLE-SIDE POLISHING APPARATUS USING THE SAME, AND DOUBLE-SIDE POLISHING METHOD

TRANSMITTAL OF CLAIMS AND TRANSLATION, AND AFFIRMATION OF ACCURACY OF TRANSLATION OF CLAIMS

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

Sir:

Attached hereto is a copy of the Japanese language claims of corresponding PCT application PCT/JP2009/003457 indicated to have novelty, inventive step and industrial applicability in the IPRP. Also attached is an English-language translation of the claims. On information and belief, the English-language translation is an accurate translation of the PCT application claims.

Respectfully submitted,

William P. Berridge
Registration No. 30,024

Andrew B. Whitehead
Registration No. 61,989

WPB:ABW/hs

Date: April 21, 2011

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Telephone: (703) 836-6400

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CLAIMS

1. A carrier for a double-side polishing apparatus, the carrier in a double-side polishing apparatus which polishes both surfaces of a wafer having a chamfered portion on an outer edge thereof, the carrier comprising at least:

a carrier base placed between upper and lower turn tables to which polishing pads are attached, the carrier base having a holding hole formed therein, the holding hole for holding the wafer sandwiched between the upper and lower turn tables at the time of polishing; and

a ring-shaped resin ring disposed along an inner circumference of the holding hole of the carrier base, the resin ring protecting the chamfered portion by making contact with the chamfered portion of the held wafer, wherein

the resin ring has a concave groove on an inner circumference thereof, and

the wafer is held with upper and lower tapered surfaces and the chamfered portion of the wafer made cross-sectional point contact with each other, the upper and lower tapered surfaces being formed in the concave groove.

2. The carrier for a double-side polishing apparatus according to claim 1, wherein

when an angle of the tapered surfaces of the concave groove with respect to upper and lower main surfaces of the resin ring, the tapered surfaces making contact with the wafer, and the chamfering angle of the wafer are β and θ, respectively, the upper and lower tapered surfaces of the concave groove and the chamfered portion of the wafer make cross-sectional point contact with each other when $\theta < \beta < 90°$ is satisfied.

3. The carrier for a double-side polishing apparatus according to claim 2, wherein

the angle β of the tapered surfaces of the concave groove with respect to the upper and lower main surfaces of the resin ring satisfies $\theta < \beta \leq \theta+7°$, the tapered surfaces making contact with the wafer.

4. A double-side polishing apparatus including at least the carrier for a double-side polishing apparatus, the carrier according to any one of claims 1 to 3.

5. A wafer double-side polishing method for performing double-side polishing on a wafer, wherein

the carrier for a double-side polishing apparatus, the carrier according to any one of claims 1 to 3, is placed between upper and lower turn tables to which polishing pads are attached; the wafer is held with the upper and lower tapered surfaces of the concave groove of the resin ring and the chamfered portion of the wafer made cross-sectional point contact with each other, the resin ring being disposed along the inner circumference of the holding hole of the carrier; and double-side polishing is performed with the wafer sandwiched between the upper and lower turn tables.

請求の範囲

[請求項1] 周縁に面取り部を有するウェーハの両面を研磨する両面研磨装置における両面研磨装置用キャリアであって、少なくとも、研磨布が貼付された上下定盤の間に配設され、研磨の際に前記上下定盤の間に挟まれる前記ウェーハを保持するための保持孔が形成されたキャリア母体と、該キャリア母体の保持孔の内周に沿って配置され、前記保持されるウェーハの面取り部と接して該面取り部を保護するリング状の樹脂リングとを具備し、前記樹脂リングの内周に凹状の溝を有し、該凹溝に形成された上下のテーパ面と前記ウェーハの面取り部とが断面点接触で接して前記ウェーハが保持されるものであることを特徴とする両面研磨装置用キャリア。

[請求項2] 前記樹脂リングの上下主面に対する前記凹溝のウェーハが接触するテーパ面の角度をβとし、前記ウェーハの面取り角をθとしたとき、$\theta < \beta < 90°$ を満たすことによって前記凹溝の上下のテーパ面と前記ウェーハの面取り部とが断面点接触で接するものであることを特徴とする請求項１に記載の両面研磨装置用キャリア。

[請求項3] 前記樹脂リングの上下主面に対する前記凹溝のウェーハが接触するテーパ面の角度βが、$\theta < \beta \leqq \theta + 7°$ を満たすものであることを特徴とする請求項２に記載の両面研磨装置用キャリア。

[請求項4] 少なくとも、請求項１乃至請求項３のいずれか１項に記載の両面研磨装置用キャリアを具備したものであることを特徴とする両面研磨装置。

[請求項5] ウェーハを両面研磨する方法であって、研磨布が貼付された上下定盤の間に請求項１乃至請求項３のいずれか１項に記載の両面研磨装置

用キャリアを配設し、該キャリアの保持孔の内周に配置された前記樹脂リングの凹溝の上下のテーパ面と前記ウェーハの面取り部とを断面点接触させて保持し、前記上下定盤の間に前記ウェーハを挟み込んで両面研磨することを特徴とするウェーハの両面研磨方法。

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kazuya SATO et al. Attn: PCT Branch

Application No. 13/055,302

Filed: January 21, 2011 Docket No.: 148298

For: CARRIER FOR DOUBLE-SIDE POLISHING APPARATUS, DOUBLE-SIDE POLISHING APPARATUS USING THE SAME, AND DOUBLE-SIDE POLISHING METHOD

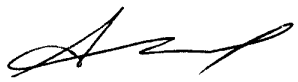
TRANSMITTAL OF ENGLISH-LANGUAGE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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

Sir:

Attached hereto is a translation and copy of the International Preliminary Report on Patentability (Form PCT/IB/409) (IPRP). The attached IPRP expresses positive opinions as to one or more claims of this application with regard to novelty, inventive step, and industrial applicability. The IPRP is submitted for the Examiner's consideration.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Andrew B. Whitehead
Registration No. 61,989

WPB:ABW/abw

Date: April 21, 2011

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/055,302	01/21/2011	Kazuya Sato	148298	4395

25944 7590 04/25/2011

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

EXAMINER	
HAIL, JOSEPH J	

ART UNIT	PAPER NUMBER
3723	

NOTIFICATION DATE	DELIVERY MODE
04/25/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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

In re Application of	:	
SATO, KAZUYA et al	:	DECISION ON REQUEST TO
Application No. 13/055,302	:	PARTICIPATE IN PATENT
Filed: Jan. 21, 2011	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 148298	:	PROGRAM AND PETITION
Title: CARRIER FOR DOUBLE-SIDE POLISHING APPARATUS, DOUBLE-SIDE POLISHING APPARATUS USING THE SAME, AND DOUBLE-SIDE POLISHING METHOD	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 4, 2011, to make the above-identified application special.

The request and petition are granted.

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

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

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

This application will be forwarded and docketed to an examiner for examination commensurate with the petition decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Joseph Hail, the SPE of Art Unit 3723 and 571-272-4485 for Class 451/41 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/055,303	01/21/2011	Masayoshi Kotake	87955(47762)	4396

21874 7590 04/19/2011
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
04/19/2011	PAPER

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

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

In re Application of
KOTAKE et al.
Application No.: 13/055,303
Filed: 21 January 2011
Attorney Docket No.: 87955(47762)
For: ORGANIC TRANSISTOR AND METHOD FOR PRODUCING THE SAME

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 21 January 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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

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

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

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

Conditions (2) and (4-6)above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (1) and (3).

Regarding the requirement of condition (1), applicant is relying in JP 2010-510014 for the allowed/patentable claims but the instant application does not claim priority to this JPO 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.

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. The pending claims clearly do not correspond to the allowed/patentable claims of the JPO application.

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

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

Telephone inquiries concerning this decision should be directed to 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.
13/055,303	01/21/2011	Masayoshi Kotake	87955(47762)	4396

21874 7590 05/17/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
05/17/2011	PAPER

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

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

In re Application of
KOTAKE et al.
Application No.: 13/055,303
Filed: 21 January 2011
Attorney Docket No.: 87955(47762)
For: ORGANIC TRANSISTOR AND METHOD FOR PRODUCING THE SAME

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 21 January 2011 and renewed on 11 May 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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

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

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

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

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

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

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

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

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example, JPO claim 1 requires the (meth) acrylate structure but US claim 1 does not. These claims clearly do not correspond.

No further consideration will be undertaken on this matter.

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

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

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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.
13/055,309	01/21/2011	Moon Il Lee	2101-3923	4421

35884 7590 05/12/2011
LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER
RYMAN, DANIEL J

ART UNIT	PAPER NUMBER
2466	

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):

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

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MAY 11 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of: LEE et al.
Application No. 13055309
Filed: January 21, 2011
For: METHOD AND APPARATUS FOR TRANSMITTING REFERENCE SIGNAL IN MULTIPLE ANTENNA SYSTEM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 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 Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

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

Or

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

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

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

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

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

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

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

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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JAN 11 2012

OFFICE OF PETITIONS

HAHN & VOIGHT PLLC
1012 14TH STREET, NW
SUITE 620
WASHINGTON, DC 20005

In re Application of
Peter Nemeth et al.
Application No.: 13/055,320
Filed: January 21, 2011
Attorney Docket No.: DAN-060 (108500)
For: Diagnosis of Systemic Diseases

: 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 22, 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 HPO, 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 HPO, 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 HPO, 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 HPO 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 HPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. a copy: all office action(s) from of each of the HPO application(s) containing the allowable/patentable claim(s)
    b. An English language translation of the HPO 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 HPO examiner in the HPO 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/055,354	01/21/2011	Kenichirou Koga	374611-000645	4666

73230 7590 04/11/2011

DLA PIPER US LLP
1999 AVENUE OF THE STARS
SUITE 400
LOS ANGELES, CA 90067-6023

EXAMINER	
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):

laura.rivero@dlapiper.com
laccusptomail@dlapiper.com
cliff.keyner@dlapiper.com

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DLA PIPER US LLP
1999 AVENUE OF THE STARS
SUITE 400
LOS ANGELES CA 90067-6023

In re Application of:
KOGA, KENICHIROU
Serial No.: 13/055,354
Filed: Jan. 21, 2011
Docket: 374611-000645
Title: CUTTING INSERT, CUTTING TOOL, AND METHOD OF CUTTING WORKPIECE USING THE SAME

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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. 8, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must 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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FEB 08 2011

PCT LEGAL ADMINISTRATION

Winston & Strawn LLP
Patent Department
1700 K Street, N.W.
Washington, D.C. 20006

In re Application of:
GAVILLET et al.
U.S. Application No.: 13/055,355
PCT Application No.: PCT/EP2009/053139 (as corrected)
International Filing Date: 17 March 2009
Priority Date: 08 August 2008
Attorney's Docket No.: 88265-10004
For: BEVERAGE MACHINE WITH CARRYING HANDLE AND CONFIGURABLE APPEARANCE & SIDE FUNCTIONS

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Letter Submitting Revised Pages 1 and 2 of PTO 1390" filed 25 January 2011 treated herein as a petition under 37 CFR 1.182. The petition seeks to correct the bibliographic data for the national stage application papers filed 21 January 2011, so as to allow such materials to be treated as the U.S. national stage of PCT/EP2009/053139. The $400 petition fee has been charged to Deposit Account 50-1814, as authorized.

BACKGROUND

On 21 January 2011, 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/EP2008/053139; a preliminary amendment; and an information disclosure statement.

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/EP2008/053139, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 25 January 2011, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/EP2009/053139. An examination of the originally filed papers finds that the correct international application number was listed on the Preliminary Amendment filed 21 January 2011. 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 21 January 2011 and to permit such materials to be treated as having been directed to international application PCT/EP2009/053139.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/EP2009/053139.

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

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26290
PATTERSON & SHERIDAN, LLP
3040 Post Oak Blvd.
Suite 1500
Houston, TX 77056

MAILED

MAR 30 2011

PCT LEGAL ADMINISTRATION

In re Application of
KIM, Daniel
U.S. Application No.: 13/055,395
PCT No.: PCT/US2009/050429
Int. Filing Date: 13 July 2009
Priority Date: 11 July 2008
Docket No.: GEPT/0003USP
For: APPARATUS AND METHOD FOR MINIMALLY INVASIVE OBESITY TREATMENT

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 21 January 2011 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicant 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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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

MAILED

FEB 09 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CAGGIANO, et al. :
Application No.: 13/055,397 :
PCT No.: PCT/US2009/004130 : DECISION ON PETITION
Int. Filing Date: 17 July 2009 :
Priority Date: 17 July 2008 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: ACOR.P0040US :
For: THERAPEUTIC DOSING OF A NEUREGULIN OR A SUBSEQUENCE THEREOF FOR TREATMENT OR PROPHYLAXIS OF HEART FAILURE :

The petition to revive under 37 CFR 1.137(b) filed 21 January 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).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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FEB 04 2011

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of	:
PRYOR	:
Serial No.: 13/055,403	:
PCT No.: PCT/US09/37279	: DECISION ON PETITION
Int. Filing Date: 16 March 2009	:
Priority Date: 18 March 2008	: UNDER 37 CFR 1.137(b)
Attorney's Docket No.: P-70047-PC	:
For: TRAUMA RETRACTOR	:

The petition to revive under 37 CFR 1.137(b) filed 21 January 2010 in the above-captioned application is hereby **GRANTED** .

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the petition fee of $810 (small entity) has been paid. The basic national fee 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.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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JUN 14 2011

PCT LEGAL ADMINISTRATION

King & Spalding LLP
P.O. Box 889
Belmont, CA 94002-0889

In re Application of
SIKES et al.
U.S. Application No.: 13/055,432
PCT No.: PCT/US2009/051589
Int. Filing Date: 23 July 2009
Priority Date: 23 July 2008
Attorney Docket No.: 38833-8004.US00
For: FLOTATION AND SEPARATION OF FLOCCULATED OILS AND SOLIDS FROM WASTE WATERS

NOTIFICATION OF DEFECTIVE DECLARATION
&
DECISION ON PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48

This decision is issued in response to applicants' "Request under 37 CFR 1.48(b)" submitted on 21 April 2011.

BACKGROUND

On 23 July 2009, applicants filed international application no. PCT/US2009/051589 which claimed a priority date of 23 July 2008. The international application named: Steven C. Sikes, Daniel T. Sikes, and Mark A. Hochwalt as applicants/inventors. 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, 23 January 2011.

On 21 January 2011, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; a preliminary amendment; and an application data sheet.

On 25 February 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 21 April 2011, applicants filed "Request under 37 CFR 1.48(b)" considered herein.

DISCUSSION

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 change effected under PCT Rule 92bis. The present national stage application must first be executed by all the named inventors. (See 37 CFR 1.41(a)(4).)

The petition to correct inventorship seeks to delete Mark A. Hochwalt as an inventor. The petition asserts that this correction is appropriate because the invention to which Mark A. Hochwalt contributed is no longer being claimed in this national stage application. The petition was filed under 37 CFR 1.48(b).

However, a petition to correct inventorship under 37 CFR 1.48(b) is applicable, by its terms, only to non-provisional applications. A U.S. national stage application becomes a non-provisional application only after the requirements under 35 U.S.C. 371, including 35 U.S.C. 371(c)(4), have been met (see 37 CFR 1.9). Accordingly, an oath or declaration identifying and executed by the inventors (Steven C. Sikes, Daniel T. Sikes, and Mark A. Hochwalt) in compliance with 37 CFR 1.497 is required before the petition under 37 CFR 1.48(b) could be filed.

Accordingly, the requirements under 35 U.S.C. 371(c)(4) must be met, namely, that a declaration of the inventors complying with the regulations must be filed. As set forth in 37 CFR 1.497, the declaration must be executed by all the inventors.

CONCLUSION

For the reasons above, applicants' request under 37 CFR 1.48(b) will be held in abeyance pending the submission of a fully executed oath or declaration in compliance with 37 CFR 1.497.

A proper response must be filed within ONE MONTH from the mail date of this decison and must include a proper declaration in compliance with 37 CFR 1.497(a)-(b) executed by all of the named inventors. No extensions of this time limit may be obtained under 37 CFR 1.136(a), but the period for response set forth in the Notification of Missing Requirements mailed 25 February 2011 may be extended up to a maximum of five months. As such, using the maximum period of extensions available, applicants have until 25 September 2011 to file a proper response or the application will be held abandoned as to the United States.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

MAR 0 4 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SATA, et al. :
Application No.: 13/055,467 :
PCT No.: PCT/JP2009/063176 : DECISION ON PAPERS
Int. Filing Date: 23 July 2009 :
Priority Date: 25 July 2008 : UNDER 37 CFR 1.42
Attorney Docket No.: 0033-1354PUS1 :
For: INFORMATION PROCESSING DEVICE :
AND INFORMATION PROCESSING METHOD :

This decision is in response to combined declaration and power of attorney filed 24 January 2011 in the United States Patent and Trademark Office. The combined declaration and power of attorney filed is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 23 July 2009, applicant filed international application PCT/JP2009/063176, which claimed priority to an earlier application filed 25 July 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 January 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 25 January 2011.

On 24 January 2011, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by among other items, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) 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 24 January 2011 was executed by Norihide Iida as "legal representative" to the estate of deceased co-inventor, Masato Iida. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, the oath or declaration must provide the citizenship, residence, and mailing address of both the deceased inventor and

the signing legal representative. The present declaration merely provides the citizenship and residence of the legal representative, but not the legal representative's mailing address. If the mailing address of the legal representative and the deceased inventor were the same a newly executed declaration is not required. Counsel may respond by confirming under signature and registration number that the mailing address listed on the declaration for the deceased inventor is also that of the legal representative.

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter 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
www.uspto.gov

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

MAILED

JUN 08 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SATA, et al. :
Application No.: 13/055,467 :
PCT No.: PCT/JP2009/063176 : DECISION ON PAPERS
Int. Filing Date: 23 July 2009 :
Priority Date: 25 July 2008 : UNDER 37 CFR 1.42
Attorney Docket No.: 0033-1354PUS1 :
For: INFORMATION PROCESSING DEVICE :
AND INFORMATION PROCESSING METHOD :

This decision is in response to applicant's filing of 12 May 2011. No petition fee is due.

In a decision mailed by this Office on 04 March 2011, the declaration filed by applicant on behalf of deceased inventor Masato Iida was dismissed for failure to provide a compliant oath or declaration under 37 CFR 1.497.

On 12 May 2011, applicant filed a response to the previous decision accompanied by a petition for a one-month extension of time. The response is timely filed.

Applicant has confirmed that the residence and mailing information provided on the declaration previously filed on 24 January 2011 is the same for both the legal representative, Norihide Iida and the deceased inventor. As such it is proper to grant applicant's request at this time.

The request for status under 37 CFR 1.42 is **GRANTED**.

The application has an international filing date of 23 July 2009 under 35 U.S.C. 363 and will be given a date of **24 January 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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GlaxoSmithKline
GLOBAL PATENTS -US, UW2220
P. O. BOX 1539
KING OF PRUSSIA PA 19406-0939

MAILED

AUG 17 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CLARKE, et al. :
U.S. Application No.: 13/055,477 : DECISION ON PETITION
PCT No.: PCT/US2009/052039 :
Int. Filing Date: 29 July 2009 : UNDER 37 CFR 1.182
Priority Date: 30 July 2008 :
Attorney's Docket No.: CU63096 :
For: NOVEL METHOD :

This decision is in response to applicant's "REQUEST FOR AMENDMENT OF INVENTORSHIP N A NON-PROVISIONAL PATENT APPLICATION PURSUANT TO 37 C.F.R. § 1.48(f) filed 28 February 2011 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.182. Applicant provided a petition fee payment of $130.00. A petition under 37 CFR 1.182 requires a petition fee of $400.00. As authorized, the remaining $270.00 will be charged to deposit account number 19-2570.

BACKGROUND

On 29 July 2009, applicant filed international application PCT/US2009/052039, which claimed priority of an earlier application filed 30 July 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 30 January 2011.

On 24 January 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) and a preliminary amendment. Applicant did not file an executed oath or declaration of the inventors.

On 09 February 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. Applicant was afforded two months to file a response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 28 February 2011, applicant responded with an executed declaration of the inventors and the petition discussed herein.

DISCUSSION

§ 201.03 of the Manual of Patent Examining Procedure (MPEP) states that, "Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. Reference to the notification will be made on the previously filed oath or declaration."

§ 605.04(c) of the MPEP states that, "Where the inventor desires to have his name changed on the application a petition under 37 CFR 1.182 is required. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name."

In the present case, the error (Geoffrey Duke Edward Clarke versus Geoffrey Douglas Clarke) cannot be classified as a mere typographical or transliteration error of the spelling of the inventor's name, as such, a petition under 37 CFR 1.182 to excuse the error is required. Applicant has provided a statement from counsel detailing the error and confirming that the true name of the inventor is that which appears on the filed declaration. As such, it is proper to grant applicant's petition a this time.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Geoffrey Duke Edward Clarke to Geoffrey Douglas Clarke is **GRANTED**.

The application has an international filing date of 29 July 2009 under 35 U.S.C. 363 and a date of **28 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13055483	Filing date:	01/24/2011
First Named Inventor:	Mark Whitaker		
Title of the Invention:	WRENCH FOR JAR-TOP VALVE COVERS		

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: US10/46320

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

08/23/2010

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.

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 PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	13055483
First Named Inventor:	Mark Whitaker

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 01/24/2011

(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 01/24/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
3	3	
4	4	
7	7	
8	8	
11	11	
12	12	
14	14	
15	15	
17	17	

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

Signature /jamesewaltonpat/	Date 7/29/11
Name (Print/Typed) James E. Walton	Registration Number 47245

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 1293JW-61255-PCT	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2010/046320	International filing date *(day/month/year)* 23 August 2010	(Earliest) Priority Date *(day/month/year)*
Applicant WHITAKER, Mark		

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 2 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

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

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

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (see Box No. II).

3. ☐ **Unity of invention is lacking** (see Box No. III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 3

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2010/046320

A. CLASSIFICATION OF SUBJECT MATTER
IPC(8) - F16K 31/02 (2010.01)
USPC - 81/176.15
According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC(8) - B25B 13/00, 19/00, 23/08; F16K 31/02 (2010.01)
USPC - 29/213.1, 237; 81/119, 176.1, 176.15, 176.2; 137/315.41, 368

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 practicable, search terms used)
USPTO EAST System (US, USPG-PUB, EPO, DERWENT)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5,575,602 A (SAVAGE et al) 19 November 1996 (19.11.1996) entire document	1, 2, 5, 6, 9, 10, 13, 16
Y	US 2007/0085047 A1 (DONOVAN) 19 April 2007 (19.04.2007) entire document	1, 2, 5, 6, 9, 10, 13, 16
Y	US 1,326,454 A (JONES) 30 December 1919 (30.12.1919) entire document	1, 2, 5, 6, 9, 10, 13, 16
Y	US 5,946,990 A (BONACCI) 07 September 1999 (07.09.1999) entire document	2, 10
Y	US 2,519,204 A (STURM) 15 August 1950 (15.08.1950) entire document	5, 13
Y	US 7,100,476 B1 (FEIT) 05 September 2006 (05.09.2006) entire document	6, 9, 10, 13
A	US 1,875,836 A (WESOLIK) 06 September 1932 (06.09.1932) entire document	1-17
A	US 7,322,563 B2 (STEHLING et al) 29 January 2008 (29.01.2008) entire document	1-17
A	US 4,573,378 A (MCDONALD) 04 March 1986 (04.03.1986) entire document	1-17

☐ Further documents are listed in the continuation of Box C. ☐

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
04 October 2010	14 OCT 2010
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US, Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	Authorized officer: Blaine R. Copenheaver PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

Form PCT/ISA/210 (second sheet) (July 2009)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: JAMES WALTON
LAW OFFICES OF JAMES E. WALTON, P.L.L.C
1169 N. BURLESON BLVD., SUITE 107-328
BURLESON, TX 76028

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	14 OCT 2010
Applicant's or agent's file reference 1293JW-61255-PCT	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/046320	23 August 2010	

International Patent Classification (IPC) or both national classification and IPC
IPC(8) - F16K 31/02 (2010.01)
USPC - 81/176.15

Applicant WHITAKER, Mark

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA/US	Date of completion of this opinion	Authorized officer:
Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	04 October 2010	Blaine R. Copenheaver PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/046320

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/US2010/046320

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)	Claims	1-17	YES
	Claims	None	NO
Inventive step (IS)	Claims	3, 4, 7, 8, 11, 12, 14, 15, 17	YES
	Claims	1, 2, 5, 6, 9, 10, 13, 16	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims	None	NO

2. Citations and explanations:

Claim 1 lacks an inventive step under PCT Article 33(3) as being obvious over Savage et al (hereinafter referred to as Savage) in view of Donovan, and further in view of Jones.
Savage discloses in Fig. 1, 3, 3A, and 4, a wrench (as seen in Fig. 4) for a thread fastening system (as stated in Col. 3, lines 26-34) comprising: an elongated member (38) having: a first end portion (upper portion which includes the handle (40)) and an opposing second end portion (lower portion which includes legs (26, teeth)); a handle (40) attached to the first end portion (upper portion of member (38)); a first leg (26, one of the teeth shown in Fig. 3) attached to the second end portion (lower portion of member (38)), the first leg having: a front surface (30, as shown in Fig. 3) and an inner surface (32, as shown in Fig. 3); and a second leg (another of the teeth (26) shown in Fig. 3) attached to the second end portion; and wherein the inner surface (32) of the first leg engages the external surface (Surface adjacent to space (18) as shown in Fig. 1) of the threaded fastening system (10) and the front surface (34) of the first leg (26) engages the side surface (16) of a rib (12) of the threaded fastening system (10) during removal (as stated in Col. 4, lines 3-21) of the threaded fastening system (10).
However, Savage does not disclose: wherein the threaded fastening system is a bonnet having a body with an external surface and a rib attached to and extending from the external surface, the rib having a side surface; and wherein the first leg and the second leg extend at a non-zero angle with respect to each other.
Donovan discloses in Fig. 3 and 6, wherein a threaded fastening system is a bonnet (14, wherein description of the bonnet being a threaded fastener is stated in Par. 0014, lines 1-7) having a body with an external surface and a rib attached to and extending from the external surface, the rib having a side surface (structure of the bonnet and its ribs are clearly shown in Fig. 6).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's threaded fastening system, wherein the system is a valve bonnet as taught by Donovan, which is threadedly removable to obtain access inside the main valve body.
However, Savage as modified by Donovan does not disclose a wrench wherein the first leg and the second leg extend at a non-zero angle with respect to each other.
Jones discloses in Fig. 1 and 3, a wrench wherein the first leg (2, on the left side as shown in Fig. 1) and the second leg (2, right side as shown in Fig. 1) extend at a non-zero angle (wherein the legs converge radially and diverge radially as the ring (7) is lowered or raised, as is shown in Fig. 1, and as stated on Page 1, lines 55-59, and in lines 75-89).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's wrench with legs extended at a non-zero angle as taught by Jones for the purpose of fitting any type diameter of a threaded fastening system having protruding ribs.

Claim 2 lacks an inventive step under PCT Article 33(3) as being obvious over Savage in view of Donovan, Jones, and further in view of Bonacci.
Savage as modified by Donovan and Jones discloses a wrench comprising all the elements as claimed in Claim 1, and as set forth above.
However, Savage does not disclose a fastener attached to a first leg.
Bonacci discloses in Fig. 6, a wrench (101) comprising a fastener (123, cutters) attached to a first leg (109).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's wrench with fasteners attached to the first leg as taught by Bonacci for the purpose of providing additional usages with the wrench.

Claim 5 lacks an inventive step under PCT Article 33(3) as being obvious over Savage in view of Donovan, Jones, and further in view of Sturm.
Savage as modified by Donovan and Jones discloses a wrench comprising all the elements as claimed in Claim 1, and as set forth above.
However, Savage does not disclose a gripping material attached to a first leg.
Sturm discloses in Fig. 1, a wrench comprising a gripping material (19, gripping shoe) attached (as stated in Col. 2, lines 9-17) to a first leg (11).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's wrench with gripping material as taught by Sturm for the purpose of providing firm gripping apparatus.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/046320

Supplemental Box

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

Claim 6 lacks an inventive step under PCT Article 33(3) as being obvious over Savage in view of Donovan, Jones, and further in view of Feit.
Savage as modified by Donovan and Jones discloses a wrench comprising all the elements as claimed in Claim 1, and as set forth above. However, Savage does not disclose a post attached to the handle.
Feit discloses in Fig. 1, a wrench having a post (24) attached to a handle (23).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's wrench with an attached post as taught by Feit for the purpose of providing a means in which to turn the handle with ease with one hand.

Claim 9 lacks an inventive step under PCT Article 33(3) as being obvious over Savage in view of Donovan, Jones and further in view of Feit.
Savage discloses in Fig. 1, 3, 3A, and 4, a wrench (as seen in Fig. 4) for a thread fastening system (as stated in Col. 3, lines 26-34) comprising: an elongated member (38) having: a first end portion (upper portion which includes the handle (40)) and an opposing second end portion (lower portion which includes legs (26, teeth)); a handle (40) attached to the first end portion (upper portion of member (38)); a first leg (26, one of the teeth shown in Fig. 3) attached to the second end portion (lower portion of member (38)), the first leg having: a front surface (30, as shown in Fig. 3) and an inner surface (32, as shown in Fig. 3); and a second leg (another of the teeth (26) shown in Fig. 3) attached to the second end portion; and wherein the inner surface (32) of the first leg engages the external surface (surface adjacent to space (18) as shown in Fig. 1) of the threaded fastening system (10) and the front surface (34) of the first leg (26) engages the side surface (16) of a rib (12) of the threaded fastening system (10) during removal (as stated in Col. 4, lines 3-21) of the threaded fastening system (10).
However, Savage does not disclose: wherein the threaded fastening system is a bonnet having a body with an external surface and a rib attached to and extending from the external surface, the rib having a side surface; and wherein the first leg and the second leg extend at a non-zero angle with respect to each other.
Donovan discloses in Fig. 3 and 6, wherein a threaded fastening system is a bonnet (14, wherein description of the bonnet being a threaded fastener is stated in Par. 0014, lines 1-7) having a body with an external surface and a rib attached to and extending from the external surface, the rib having a side surface (structure of the bonnet and its ribs are clearly shown in Fig. 6).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's threaded fastening system, wherein the system is a valve bonnet as taught by Donovan, which is threadedly removable to obtain access inside the main valve body.
However, Savage as modified by Donovan does not disclose a wrench wherein the first leg and the second leg extend at a non-zero angle with respect to each other.
Jones discloses in Fig. 1 and 3, a wrench wherein the first leg (2, on the left side as shown in Fig. 1) and the second leg (2, right side as shown in Fig. 1) extend at a non-zero angle (wherein the legs converge radially and diverge radially as the ring (7) is lowered or raised, as is shown in Fig. 1, and as stated on Page 1, lines 55-59, and in lines 75-89).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's wrench with legs extended at a non-zero angle as taught by Jones for the purpose of fitting any type diameter of a threaded fastening system having protruding ribs.
However, Savage does not disclose a first and second post attached to the handle and extending in a direction orthogonal to the length of the handle.
Feit discloses in Fig. 1, a wrench having a post (24) attached to a handle (23) extending orthogonally to the length of the handle (23).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's wrench with an attached post as taught by Feit for the purpose of providing a means in which to turn the handle with ease with one hand.
In regards to a second post attached to the handle, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include another post on the handle, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. Therefore, it would have been obvious to include an additional post on the handle, since there is no criticality with having only one post, and invention would function equally as well with a second post on the opposite end of the handle.

Claim 10 lacks an inventive step under PCT Article 33(3) as being obvious over Savage in view of Donovan, Jones, Feit, and further in view of Bonacci.
Savage as modified by Donovan, Jones and Feit discloses a wrench comprising all the elements as claimed in Claim 9, and as set forth above. However, Savage does not disclose a fastener attached to a first leg.
Bonacci discloses in Fig. 6, a wrench (101) comprising a fastener (123, cutters) attached to a first leg (109).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's wrench with fasteners attached to the first leg as taught by Bonacci for the purpose of providing additional usages with the wrench.

Claim 13 lacks an inventive step under PCT Article 33(3) as being obvious over Savage in view of Donovan, Jones, Feit and further in view of Sturm.
Savage as modified by Donovan, Jones and Feit discloses a wrench comprising all the elements as claimed in Claim 9, and as set forth above. However, Savage does not disclose a gripping material attached to a first leg.
Sturm discloses in Fig. 1, a wrench comprising a gripping material (19, gripping shoe) attached (as stated in Col. 2, lines 9-17) to a first leg (11).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's wrench with gripping material as taught by Sturm for the purpose of providing firm gripping apparatus.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/046320

Supplemental Box

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

Claim 16 lacks an inventive step under PCT Article 33(3) as being obvious over Savage in view of Donovan, and further in view of Jones.
Savage discloses in Fig. 1, 3, 3A, and 4 a method for disengaging (as explained in Col. 4, lines 3-21) a threaded fastening system (as stated in Col. 3, lines 26-34) comprising: providing a wrench (as seen in Fig. 4) having an elongated member (38) attached to a first leg (26, one of the teeth shown in Fig. 3) and attached to a second leg (26, one of the other teeth shown in Fig. 3) ; wherein the first leg and the second leg both having an inner surface (32, as shown in Fig. 3) and a front surface (30, as shown in Fig. 3); engaging the inner surface of the first leg and the inner surface of the second leg (wherein the inner surface (32) of both legs are the same surfaces) on the external surface (surface adjacent to space (18) as shown in Fig. 1) of the threaded fastening system such that a tight fit is created therebetween (tight fit of the wrench and threaded fastening system is seen in Fig. 3A); and rotating the wrench such that the front surface of the first leg comes into contact with the side surface of the rib (as stated in Col. 4, lines 8-21).
However, Savage does not disclose: wherein the threaded fastening system is a bonnet having a body with an external surface and a rib attached to and extending from the external surface, the rib having a side surface; and wherein the first leg and the second leg of the wrench extends at a non-zero angle with respect to each other to form a gap therebetween.
Donovan discloses in in Fig. 3 and 6, wherein a threaded fastening system is a bonnet (14, wherein description of the bonnet being a threaded fastener is stated in Par. 0014, lines 1-7) having a body with an external surface and a rib attached to and extending from the external surface, the rib having a side surface (structure of the bonnet and its ribs are clearly shown in Fig. 6).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's threaded fastening system, wherein the system is a valve bonnet as taught by Donovan, which is threadedly removable to obtain access inside the main valve body.
However, Savage as modified by Donovan does not disclose a wrench wherein the first leg and the second leg extend at a non-zero angle with respect to each other to form a gap therebetween.
Jones discloses in Fig. 1 and 3, a wrench wherein the first leg (2, on the left side as shown in Fig. 1) and the second leg (2, right side as shown in Fig. 1) extend at a non-zero angle to form a gap therebetween (wherein the legs converge radially and diverge radially as the ring (7) is lowered or raised, as is shown in Fig. 1, and as stated on Page 1, lines 55-59, and in lines 75-89).
Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Savage's wrench with legs extended at a non-zero angle as taught by Jones for the purpose of fitting any type diameter of a threaded fastening system having protruding ribs.

Claims 3, 4, 7, 8, 11, 12, 14, 15 and 17 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not fairly teach or fairly suggest: Claims 3 and 11, wherein the fastener of the wrench is a screwdriver; Claims 4 and 12, wherein the fastener of wrench is an extension member; Claims 7 and 14 wherein the handle comprises a socket adapter; Claims 8 and 15, wherein a cup housing is attached to the socket adapter; and Claim 17 further engaging a post with a hole located on a top surface of a lid, the lid being releasably coupled to the housing. None of the references disclosed these claim limitations and none of the references could be combined without modifying the modifier.

Claims 1-17 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

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In re Application of VALENCIA :
Application No.: 13/055,513 : DECISION ON PETITION
PCT No.: PCT/MX09/00103 :
Int. Filing: 05 October 2009 : UNDER 37 CFR 1.182
Priority Date: 24 February 2009 :
Attorney Docket No.: 3128-004.US :
For: PESTICIDAL COMPOSITIONS AND :
RELATED METHODS :

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 20 June 2011 to correct the international application number.

On 24 January 2011, 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 13/055,513. However, on closer review, it is noted that the international application PCT/**MX09**/00103 as indicated on the Electronic Acknowledgement Receipt differs from the PCT application number PCT/**UMX09**/00103 on the Transmittal Letter

On 20 June 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/MX09/00103 on the national stage papers filed on 20 June 2011is **GRANTED**. The $400 petition fee was paid.

The USPTO records will identify the present application **13/055,513** as the national stage of **PCT/MX09/00103**.

/Cynthia M. Kratz/
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PCT LEGAL ADMINISTRATION

In re Application of
ESFANDIARI, Javanbakhsh
Application No. : 13/055,536
Filed: 31 March 2011
ATTY Docket No.: CHE-007 US

DECISION ON PETITION
UNDER 37 C.F.R. § 1.78(a)(3)

This decision is issued in response to the petition under 37 C.F.R. § 1.78(a)(3), filed 8 July 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed United States non-provisional application 12/179,248.

For the reasons discussed below, the petition is **DISMISSED** without prejudice.

The present non-provisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after the expiration of the period specified in 37 C.F.R. § 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 C.F.R. § 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 C.F.R. § 1.78(a)(3) 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 C.F.R. § 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. § 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. §120 and 37 C.F.R.§1.78(a)(2)(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 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where the is a question whether the delay was unintentional.

For the reasons discussed below, the present petition fails to satisfy item (1) above.

The present petition seeks to add a benefit claim identifying the present application as a continuation-in-part of U.S. Application No. 12/179,248. The petition was accompanied by the following proposed amendment to the first line of the description: "This application is a 371 national phase application no. PCT/US09/51335, filed July 22, 2009, which is a

continuation-in-part of U.S. Serial No. 12/179,248, filed July 24, 2008, both of which are hereby incorporated herein by reference in their entireties."

The amendment filed by applicants is unacceptable as filed because it indicates that the contents of the prior-filed application referred to therein (U.S non-provisional application 12/179,248) are "incorporated herein by reference." As set forth in MPEP section 201.06(c)(IV) (emphasis added):

> An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a)). **If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. 120 after the filing date of the application, the amendment would not be proper.** When a benefit claim under 35 U.S.C.120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See *Dart Indus. v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980).

Here, the application as filed did not include an incorporation by reference statement with respect to U.S application 12/179,248; thus, the inclusion in the present proposed amendment of an incorporation by reference statement directed to such applications is improper.

Based on the above, the reference to prior-filed U.S non-provisional application 12/179,248 contained in the proposed amendment filed with the present petition is not acceptable as filed. Item (1) of a grantable petition under 37 CFR 1.78(a)(3) is therefore not satisfied on the present record.

Before the petition under 37 CFR 1.78(a)(3) may be granted, applicant must submit a renewed petition accompanied by an acceptable substitute amendment (or ADS) containing a proper reference to U.S. application 12/179,248. 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.

Shane Thomas
Special Program Examiner
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Bryan Lin
PCT Legal Examiner
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In re Application of :
ESFANDIARI, Javanbakhsh :
Application No. : 13/055,536 : DECISION ON PETITION
Filed: 31 March 2011 : UNDER 37 C.F.R. § 1.78(a)(3)
ATTY Docket No.: CHE-007 US :
:

This decision is issued in response to applicant's renewed petition under 37 C.F.R. § 1.78(a)(3), filed 28 December 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed United States non-provisional application 12/179,248.

For the reasons discussed below, the petition is **GRANTED**.

The present non-provisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after the expiration of the period specified in 37 C.F.R. § 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 C.F.R. § 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 C.F.R. § 1.78(a)(3) 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 C.F.R. § 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. § 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. §120 and 37 C.F.R.§1.78(a)(2)(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 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where the is a question whether the delay was unintentional.

The petition complies with the requirement for a grantable petition under 37 C.F.R. §1.78(a)(6) in that:

(1) a proper reference to the prior-filed application has been included in an amendment to the first sentence of the specification, as provided by 37 C.F.R. §1.78(a)(5)(ii);

(2) applicant has provided the required fee; and

(3) applicant has provided the required statement.

Application No.: 13/055,536

Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §120 to the prior-filed provisional application satisfies the conditions of 37 CFR § 1.78(a)(3), the renewed petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR § 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 1.78 must be met. Similarly, the fact any Filing Receipt includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

Additionally, a corrected Filing Receipt, which includes the benefit claim to the prior-filed U.S. application 12/179,248 listed in the first paragraph of the specification, accompanies this decision on petition.

Any questions concerning this matter may be directed to Shane M. Thomas at (571) 272-4188. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3736 for appropriate action in due course, including consideration by the examiner of the claim for benefit of the prior-filed applications.

Shane Thomas
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Tel: (571) 272-4188

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
CIOMEI et al	:	
Application No.: 13/055,541	:	
PCT No.: PCT/EP2009/059815	:	
Int. Filing Date: 29 July 2009	:	
Priority Date: 29 July 2008	:	PAPERS FILED
Attorney's Docket No.: 27150	:	
For: THERAPEUTIC COMBINATION...	:	
AGENT	:	UNDER 37 CFR 1.42

This is a decision on the declaration filed 24 January 2011, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 24 January 2011, applicants filed a transmittal letter via EFS-WEB for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an executed declaration as set forth by 35 U.S.C. 371(c)(4).

The executed declaration is signed by Maria Emanuela CASNAGHI and Alessandro Luciano CROCI as the legal representatives of the deceased co-inventor, Valter Domenico CROCI.

DISCUSSION

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.63 since both the mailing addresses of the legal representatives and deceased co-inventor is required.

Because the co-inventor Valter Domenico CROCI is deceased and Maria Emanuela CASNAGHI and Alessandro Luciano CROCI have been appointed as the legal representatives for the deceased co-inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or 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 (the inventors citizenship and so on). 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." (see MPEP § 409.01)

The citizenships, residences and mailing addresses of both the legal representatives and the deceased co-inventor need to be provided in the declaration as required under 37 C.F.R. §1.497(b)(2).

In this instance the information provided below the signatures of the legal representatives is unclear if that is of the deceased co-inventor or the legal representatives. Therefore, the necessary information of deceased co-inventor and legal representatives is required.

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

CONCLUSION

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

Applicant is required to provide an oath or 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." 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.

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In re Application of	:	DECISION ON RENEWED
CIOMEI et al	:	
Application No.: 13/055,541	:	
PCT No.: PCT/EP2009/059815	:	
Int. Filing Date: 29 July 2009	:	
Priority Date: 29 July 2008	:	PAPERS FILED
Attorney's Docket No.: 27150	:	
For: THERAPEUTIC COMBINATION...	:	
AGENT	:	UNDER 37 CFR 1.42

This is a decision on the "RENEWED REQUEST UNDER 37 CFR 1.42" filed 12 July 2011.

BACKGROUND

In a decision from this Office on 12 April 2011, the request filed on 24 January 2011 was dismissed. The decision stated that the information provided below the signature was unclear if it was of the deceased co-inventor or the legal representatives.

On 12 July 2011, applicants filed the present renewed submission under 37 CFR § 1.42 stating that legal representatives Mara Emanuela Casnaghi is the wife and Alessandro Luciano Croci is the son of the deceased co-inventor Valter Domenico Croci, and that all three individuals are citizens of Italy and that they shared the same residence.

DISCUSSION

The renewed submission states that legal representatives Mara Emanuela Casnaghi is the wife and Alessandro Luciano Croci is the son of the deceased co-inventor Valter Domenico Croci, and that all three individuals are citizens of Italy and that they shared the same residence.

Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

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PCT LEGAL ADMINISTRATION

YOUNG & THOMPSON
209 Madison Street
Suite 500
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In re Application of :
BELLOTA, Ignace :
Application No.: 13/055,570 :
PCT No.: PCT/EP2009/058339 :
Int. Filing Date: 02 July 2009 : DECISION
Priority Date: 03 July 2008 :
Att. Docket No.: 0570-1046 :
For: CURTAIN-TYPE CLOSURE DEVICE FOR AN OPENING IN A BUILDING :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 24 January 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 processing fee for furnishing the English translation after 30 months will be charged to deposit account no. 25-0120, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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PCT LEGAL ADMINISTRATION

Bozicevic Field & Francis LLP
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In re Application of
CYBULSKI et al.
U.S. Application No.: 13/055,662
PCT No.: PCT/US2009/051446
Int. Filing Date: 22 July 2009
Priority Date: 22 July 2008
Attorney Docket No.: AXIS-001CIP
For: TISSUE MODIFICATION DEVICES AND METHODS OF USING THE SAME

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 15 July 2011 to accept the application without the signature of joint-inventor, Fred R. Seddiqui.

BACKGROUND

On 22 July 2009, applicants filed international application PCT/US2009/051446 which claimed a priority date of 22 July 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 22 January 2011.

On 24 January 2011, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an application data sheet.

On 15 February 2011, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 15 July 2011, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the required petition fee, an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor, and the petition expressly states the last known address of the non-signing inventor. Items (1) - (3) have been satisfied.

Regarding item (4) above, petitioner states that Fred R. Seddiqui has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> 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.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the U.S. patent application (specification, claims, drawings, and declaration) to Fred R. Seddiqui. The efforts to reach the nonsinging

inventor have been outlined in the declaration of Bret E. Field. However, the declaration fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventor at his last known address. (The USPS Postal Service Certified Mail Receipt shows the mode of mailing, not actual receipt.) Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Fred R. Seddiqui, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Fred R. Seddiqui under 37 CFR 1.47(a) at this time.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

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

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

Bozicevic Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto, CA 94303

MAILED

DEC 29 2011

PCT LEGAL ADMINISTRATION

In re Application of: CYBULSKI et al.
U.S. Application No.: 13/055,662 :
PCT No.: PCT/US2009/051446 :
Int. Filing Date: 22 July 2009 :
Priority Date: 22 July 2008 : DECISION ON PETITION
Attorney Docket No.: AXIS-001CIP : UNDER 37 CFR 1.47(a)
For: TISSUE MODIFICATION DEVICES :
AND METHODS OF USING THE SAME :

In a decision mailed by this Office on 20 September 2011, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate evidence that the nonsigning inventor (Fred R. Seddiqui) had received a copy of the complete application papers and refused to execute the application.

On 18 November 2011, petitioner filed the renewed petition considered herein. The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the nonsigning inventor. The documents provided to Fred R. Seddiqui 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.

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

The application is accepted without the signature of nonsigning inventor, Fred R. Seddiqui. A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

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

Fred R. Seddiqui
5721 Arboretum Drive
Los Gatos, CA 94024

MAILED

DEC 29 2011

PCT LEGAL ADMINISTRATION

In re Application of: CYBULSKI et al.
U.S. Application No.: 13/055,662
PCT No.: PCT/US2009/051446
Int. Filing Date: 22 July 2009
Priority Date: 22 July 2008
Attorney Docket No.: AXIS-001CIP
For: TISSUE MODIFICATION DEVICES AND METHODS OF USING THE SAME

Dear Fred R. Seddiqui:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as a legal representative of the deceased inventor.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Bozicevic Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto, CA 94303

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:		Filing date:	January 24, 2011
First Named Inventor:	Brian B. McSpadden Gardener		
Title of the Invention:	ISOLATION OF NOVEL BACTERIA CONTRIBUTING TO SOILBORNE DISEASE SUPPRESSION		

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/US2009/051828

The international filing date of the corresponding PCT application(s) is/are: July 27, 2009

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-KR (06-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	
First Named Inventor:	Brian B. McSpadden Gardener

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	Claims combined into Markush claim
2	2	Duplicated, but depends from claim 1
3	3	Multiple dependency distributed
4	4	Multiple dependency distributed
5	5	Multiple dependency distributed
6	6	Multiple dependency distributed
12	7-12	Multiple dependencies incorporated into Markush claim
14	3	Multiple dependency distributed
15	4	Multiple dependency distributed
16	5	Multiple dependency distributed
17	6	Multiple dependency distributed

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

Signature /Beverly A. Suozzo/	Date January 24, 2011
Name (Print/Typed) Beverly A. Suozzo	Registration Number 62,302

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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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

MAILED

MAY 31 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KLOS, et al. :
U.S. Application No.: 13/055,677 : DECISION ON PAPERS
PCT No.: PCT/EP2008/006388 :
Int. Filing Date: 24 July 2008 : UNDER 37 CFR 1.42
Priority Date: None :
Attorney's Docket No.: 5029-756PUS :
For: METHOD AND ARRANGEMENT FOR :
DETERMINING AND MONITORING THE :
STATE OF A ROLLING BEARING :

This decision is in response to applicant's filing of 20 May 2011. The response is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 24 July 2008, applicants filed the above-referenced international application. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 January 2010. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 24 January 2011.

On 24 January 2011, applicants 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 25 February 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 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 22 March 2011, applicant filed the declaration discussed herein.

On 21 April 2011, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) advising applicant of errors in the filed declaration. Applicant was afforded one month to file a response.

Application No.: 13/055,677

On 20 May 2011, applicant filed the response discussed herein.

DISCUSSION

As detailed in applicant's petition, it appears that the Form PCT/DO/EO/916 was mailed based on an erroneous reading of the inventorship information on the declaration filed 22 March 2011. Applicant has responded within one month of the mail date of the form.

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 Stefan Scherer and the legal representatives to his estate. 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 24 July 2008 and a date of **22 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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/055,680	Filing date:	January 24, 2011
First Named Inventor:	Stewart Davidson		
Title of the Invention:	VACUUM PUMP		

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

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

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

The corresponding PCT application number(s) is/are: PCT/GB2009/050779

The international filing date of the corresponding PCT application(s) is/are: July 02, 2009

I. List of Required Documents:

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

☒ Is attached

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

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

☐ Is attached.

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

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

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

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/055,680
First Named Inventor:	Steward Davidson

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
claims 1-17	claims 1-17	The current US claims 1-17 are identical to claims 1-17 in the international application.

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

Signature /Ting-Mao Chao, Reg. No. 60,126/	Date June 09, 2011
Name (Print/Typed) Ting-Mao Chao	Registration Number 60,126

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.
13/055,680	01/24/2011	Stewart Davidson	M06B187	7209

71134 7590 07/26/2011

Edwards Vacuum, Inc.
2041 MISSION COLLEGE BOULEVARD
SUITE 260
SANTA CLARA, CA 95054

EXAMINER	
ART UNIT	PAPER NUMBER
3746	

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):

LORETTA.SANDOVAL@EDWARDSVACUUM.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

Edwards Vacuum, Inc.
2041 MISSION COLLEGE BOULEVARD
SUITE 260
SANTA CLARA CA 95054

In re Application of:
DAVIDSON, STEWART
Serial No.: 13/055680
Filed: 01/24/2011
Attorney Docket No. : M06B187
Title: VACUUM PUMP

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

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 03 2011

PCT LEGAL ADMINISTRATION

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

George W. Wasson
3123 Indian Way
Lafayette CA 94549

In re Application of	:	
TRUCKER et al.	:	
Serial No.: 12/737,493	:	DECISION ON
PCT App. No.: PCT/US08/06136	:	
Int'l Filing Date: 13 May 2008	:	PETITION UNDER
Priority Date: 16 November 2007	:	
Attorney Docket No.: EZ/RT-2008-PCT	:	37 CFR 1.137(b)
For: METHOD AND APPARATUS FOR ATTACHING A RAIL SUPPORT POST TO A STAIR	:	

This is a decision on applicant's "Petition for Revival of An International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 01 November 2010.

BACKGROUND

On 13 May 2008, applicant filed international application PCT/US08/06136. The application claimed priority of an U.S. application filed on 16 November 2007. Thus, the deadline for entry into the U.S. national stage and filing the basic national fee was thirty months from the priority date or 16 May 2010.

On 01 November 2010, applicant filed a petition to revive referencing PCT/US08/06136 without a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371", the basic national fee and the petition fee.

DISCUSSION

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 "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to this paragraph was unintentional".

On 02 November 2010, an attempt was made to charged applicant's credit card number, which was invalid. Therefore, applicant did not submit the required reply, that is, the basic national fee ($330) and did not paid the petition fee ($1620). Thus, Items (1) and (2) were not satisfied. Applicant satisfied Item (3) with the 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".

CONCLUSION

For the reasons set forth above, the "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" is **DISMISSED WITHOUT PREJUDICE.**

The application remains **ABANDONED**.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3286
Facsimile: 571-273-0459

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RUSSELL H. WALKER
WALKER, McKENZIE & WALKER, P.C.
6363 POPLAR AVE., Suite 318
MEMPHIS TN 38119-4899

PCT LEGAL ADMINISTRATION

In re Application of
TRUCKER et al.
Serial No.: 13/055,712 (12/737,493)
PCT App. No.: PCT/US08/06136
Int'l Filing Date: 13 May 2008
Priority Date: 16 November 2007
Attorney Docket No.: B0,062B
For: METHOD AND APPARATUS FOR ATTACHING A RAIL SUPPORT POST TO A STAIR

DECISION ON

PETITION UNDER

37 CFR §§ 1.8 and 1.137(b)

This is a decision on applicant's "Petition under 37 CFR 1.8 Regarding Previously-Filed Petition to Revive That Cannot Now Be Located by the U.S.P.T.O. after Receipt or, in the Alternative, to Accept Concurrently-Filed Petition to Revive PCT Application" filed in the United States Patent and Trademark Office (USPTO) on 24 January 2011. This is also decision on matters arising under 35 U.S.C. 371.

BACKGROUND

On 13 May 2008, applicant filed international application PCT/US08/06136. The application claimed priority of an U.S. application filed on 16 November 2007. Thus, the deadline for entry into the U.S. national stage and filing the basic national fee was thirty months from the priority date or 16 May 2010. At midnight on 16 May 2011, the international application went abandoned for failure to enter the U.S. national stage.

On 01 November 2010, applicant filed, through legal counsel via U.S. Mail, a "Petition for Revival of An international Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" (Form PTO/SB/64/PCT), which identified attorney docket number EZ/RT-2008-PCT and International Application No. PCT/US08/06136. The petition was assigned U.S. application number 12/737,493. On 3 February 2011, a decision dismissing the petition to revive was mailed indicating that applicant had failed to provide the basic national fee and the appropriate petition fee. On 07 February 2011, applicant filed, among other materials, a Response to Decision on Petition under 37 CFR 1.137(b) which included a copy of the "Petition under 37 CFR 1.8 Regarding Previously-Filed Petition to Revive That Cannot Now Be Located by the U.S.P.T.O. after Receipt or, in the Alternative, to Accept Concurrently-Filed Petition to Revive PCT Application".

On 24 January 2011, through a different legal entity, applicant filed, electronically via EFS-WEB, a transmittal letter for entry into the national stage in the United States (Form PTO-1390) bearing attorney docket number B0, 062B and referencing the same international application PCT/US08/06136. These papers were assigned U.S. application number 13/055,712. These papers were also accompanied by a petition to revive under 37 CFR 1.137(b) and a petition under 37 CFR 1.8 to accept a copy of the papers filed in the USPTO on 01 November 2010.

DISCUSSION

A review of USPTO records indicates that "Petition for Revival of An international Application

for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" (Form PTO/SB/64/PCT) was filed on 01 November 2010 and received in the USPTO on 01 November 2010 This filing was assigned application number 12/737,493. USPTO records indicates that an attempt to charge the credit card number was made on 2 November 2010 but the credit card number was not valid. Since the original petition was found in USPTO records, the petition under 37 CFR 1.8 to accept a copy of the papers is dismissed as moot. A review of the application file 12/737,493 reveals that on 3 February 2011, a decision on the petition to revive international application number PCT/US08/06136 was mailed dismissing the petition for failure to submit the required reply (basic national fee) and the appropriate petition fee ($810). The international application PCT/US08/06136 remained abandoned as to the U.S. national stage.

As set forth above, thereafter on 24 January 2011, a second set of application papers for entry of PCT/US08/06136 was submitted to enter the U.S. national stage by a different legal entity and was assigned U.S. application number 13/055,712. The papers included a transmittal letter for entry into the U.S. National Stage application of international application PCT/US08/06136 and a petition to revive the international application PCT/US08/06136.

A review of the facts reveals that two sets of papers to enter the national stage were submitted for international application number PCT/US08/06136 (United States application numbers 12/737,493 and 13/055,712). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by above-named counsel and assigned application number 13/055,712 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 13/055,712 is the application file that will continue to be processed as the national stage of PCT/US08/06136. The second set of national stage materials filed on 01 November 2010 and originally assigned U.S. application number 12/737,493 will be placed in the present application file, and U.S. application number 12/737,493 will be discontinued.

Applicants should use application number 13/055,712 in all future communications with the United States Patent and Trademark Office .

Application number 12/737,493 will be discontinued.

Petition under 37 CFR 1.137(b)

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 "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to this paragraph was unintentional".

Applicant has submitted Items (1)-(3) in application 13/055,712. The required reply, the basic national fee, was submitted. The petition fee of $810 was also submitted. The required 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 pursuant to this paragraph was unintentional" was submitted. Thus, the petition to revive the international application PCT/US08/06136 is granted.

CONCLUSION

U.S. application number 13/055,712 is the national stage of PCT/US08/06136. Application number 12/737,493 will be discontinued and these papers will be moved to application 13/055,712.

Applicant's Petition under 37 CFR 1.8 is **DISMISSED AS MOOT**.

The "Petition for Revival of an International Application for Patent Designating the U.S.

Abandoned Unintentionally under 37 CFR 1.137(b)" is **GRANTED.**

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 24 January 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3286
Facsimile: 571-273-0459

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INC
PO BOX 16446
ARLINGTON VA 22215

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FEB 09 2012

OFFICE OF PETITIONS

In re Application of :
Hanein, et al. :
Application No. 13/055,717 :
Filed: January 25, 2011 :
Attorney Docket Number: 50553 :

DECISION
ON PETITION

This is in response to the petition under 37 CFR 1.84, filed January 25, 2011, for acceptance of color drawings and photographs.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(b)(2) states that color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied under 37 CFR 1.84(a)(2) and 37 CFR 1.84(b)(1).

A grantable petition under 37 C.F.R. 1.84(a)(2) to accept color drawings 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.

Lastly, 37 CFR 1.84(b)(1) states that the Office will accept photographs when the photographs are the "only practical medium for illustrating the claimed invention."

Here, the Office has determined that color drawings and photographs are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

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

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

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

The application is being forwarded to Group Art Unit 2811.

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

Cliff Congo
Petitions Attorney
Office of Petitions

United States Patent and Trademark Office

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

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AUG 16 2011

PCT LEGAL ADMINISTRATION

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

In re Application of
Manzara et al.
Application No. 13/055,726
PCT No.: PCT/US2009/041105
Int. Filing Date: 20 April 2009
Priority Date: 31 July 2008
Atty. Docket No.: 64668US006
For: Azide Compositions And Methods Of Making And Using Thereof

DECISION

This is in response to the declaration of the inventors filed on 25 January 2011, which is being addressed under 37 CFR 1.42.

BACKGROUND

This international application was filed on 20 April 2009, claimed an earliest priority date of 31 July 2008, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 31 January 2011. Applicants filed *inter alia* the basic national fee on 25 January 2011.

DISCUSSION

Review of the declaration filed on 25 January 2011 reveals that it has been signed on behalf of "Deceased" putative joint inventor Birger Johannessen by Judith A. Johannessen 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 putative deceased inventor, and also for the legal representative. Further inspection of the record reveals, however, that Birger Johannessen was not named as an inventor

in the published international application, but Judith Johannessen was. Thus, it is not clear whether the correct inventive entity has been named. Counsel may wish to consider whether it would be appropriate to seek relief pursuant to 37 CFR 1.497(d) in addition to, or in place of, 37 CFR 1.42. In view of this discrepancy, it would not be appropriate to accept the declaration at this time.

The Filing Receipt and Notice of Acceptance (Form PCT/DO/EO/903) mailed on 14 June 2011 were issued prematurely, and both are hereby **VACATED**.

DECISION

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

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

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

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

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

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JAN 04 2012

PCT LEGAL ADMINISTRATION

In re Application of
Manzara et al.
Application No. 13/055,726
PCT No.: PCT/US2009/041105
Int. Filing Date: 20 April 2009
Priority Date: 31 July 2008
Atty. Docket No.: 64668US006
For: Azide Compositions And Methods Of Making And Using Thereof

DECISION

This is in response to the renewed submission under 37 CFR 1.42 filed on 22 September 2011.

DISCUSSION

In a Decision mailed on 16 August 2011, the declaration filed on 25 January 2011 was not accepted under 37 CFR 1.42, without prejudice, because

> Examination of the declaration reveals that it provides citizenship, residence and mailing address data for the putative deceased inventor, and also for the legal representative. Further inspection of the record reveals, however, that Birger Johannessen was not named as an inventor in the published international application, but Judith Johannessen was. Thus, it is not clear whether the correct inventive entity has been named. Counsel may wish to consider whether it would be appropriate to seek relief pursuant to 37 CFR 1.497(d) in addition to, or in place of, 37 CFR 1.42. In view of this discrepancy, it would not be appropriate to accept the declaration at this time.

In response, applicants have provided a copy of the cover sheet of a "Corrected Version" of the published international application, which nominates Birger JOHANNESSEN as an inventor (deceased) and which shows Judith A. JOHANNESSEN as his legal representative. This evidence is sufficient to adequately resolve the discrepancy noted in the previous Decision.

DECISION

The declaration filed on 25 January 2011 is **ACCEPTED** under 37 CFR 1.42, and is accepted for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **25 January 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/055,747	01/25/2011	Toru Maeda	YKI 24.597(343431-00002)	7870

26304 7590 08/03/2011

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER	
PATEL, DEVANG R	

ART UNIT	PAPER NUMBER
1735	

MAIL DATE	DELIVERY MODE
08/03/2011	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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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August 2, 2011 BC

In re application of	:	DECISION ON REQUEST TO
Toru Maeda et al.	:	PARTICIPATE IN PATENT
Serial No. 13/055,747	:	PROSECUTION HIGHWAY
Filed: January 25, 2011	:	PROGRAM AND
Attorney Docket No: YKI 24.597(343431-00002)	:	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 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 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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LICATA & TYRRELL, P.C.
66 E. Main Street
Marlton, NJ 08053

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MAR 24 2011

PCT LEGAL ADMINISTRATION

In re Application of
DODT, Hans-Ulrich
U.S. Application No.: 13/055,755
PCT No.: PCT/EP2009/000997
Int. Filing Date: 12 February 2009
Priority Date: 12 February 2008
Docket No.: BOE0037US.NP
For: DEVICE FOR THE OPTICAL IMAGING OF A SAMPLE

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 25 January 2011 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicant 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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KANESAKA BERNER AND PARTNERS LLP
1700 Diagonal Road
Suite 310
Alexandria, VA 22314-2848

MAILED

MAY 03 2011

PCT LEGAL ADMINISTRATION

In re Application of :
TAKASE *et al* :
Application No.: 13/055,765 :
PCT No.: PCT/JP2009/062344 :
Int. Filing Date: 07 July 2007 :
Priority Date: 29 October 2008 :
Attorney Docket No.: OLI-177 :
For: INTEGRATED COAL GASIFICATION COMBINED CYCLE PLANT :

DECISION

This is a decision on the declaration filed on 24 February 2011 which is treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 14 February 2011, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) was mailed indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given one month to respond. Extensions of time under 37 CFR 1.136(a) were provided.

On 24 February 2011, applicants filed the instant response which was accompanied by, *inter alia*, a declaration signed by four of the five named inventors and the legal representative of a deceased inventor.

DISCUSSION

Applicants furnished a declaration signed by four named inventors and the legal representative of a deceased inventor, Tokushi MARUTA.

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(a)(3) requires that the name and citizenship of each inventor be listed on the declaration. A review of the declaration filed 24 February 2011 shows that

the required citizenship information for the deceased inventor is not recorded on the declaration as required.

Accordingly, the declaration does not comply with 37 CFR 1.497(a) and (b).

CONCLUSION

Applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Failure to timely respond will result in the 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.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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SEP 02 2011

PCT LEGAL ADMINISTRATION

In re Application of :
TAKASE *et al* :
Application No.: 13/055,765 :
PCT No.: PCT/JP2009/062344 :
Int. Filing Date: 07 July 2009 :
Priority Date: 29 October 2008 :
Attorney Docket No.: OLI-177 :
For: INTEGRATED COAL GASIFICATION COMBINED CYCLE PLANT :

DECISION

This is a decision on the "Request for Reconsideration of Petition under 37 CFR 1.42." filed 05 July 2011.

BACKGROUND

On 03 May 2011, a decision dismissing applicants' petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 05 July 2011, applicants filed the instant response which was accompanied by, *inter alia*, an executed declaration signed by the legal representative of the deceased sole inventor.

DISCUSSION

In the prior decision, it was noted that the declaration provided 24 February 2011 did not comply with 37 CFR 1.497(a)(3) as the citizenship of the deceased inventor was not recorded on the declaration.

Applicants furnished another declaration signed by four of the five named inventors and the legal representative of a deceased inventor, Tokushi MARUTA. This declaration meets the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 07 July 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 05 July 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
Alexandria, VA 22313-1450
www.uspto.gov

Perman & Green, LLP
99 Hawley Lane
Stratford CT 06614

MAILED
DEC 02 2011
PCT LEGAL ADMINISTRATION

In re Application of :
ALLEHAUX, et al. :
U.S. Application No.: 13/055,889 :
PCT No.: PCT/FR2009/051431 : DECISION ON PETITION
Int. Filing Date: 17 July 2009 :
Priority Date: 30 July 2008 : UNDER 37 CFR 1.137(b)
Attorney's Docket No.: 1063-014590-US (PCT) :
For: TOOL HOLDER COMPRISING A COOLING MEANS :

The petition to revive under 37 CFR 1.137(b) filed 27 October 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant has provided 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." The filing of the statement and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

Applicant has now provided a compliant, executed declaration of the inventors in response to the Form PCT/DO/EO/905 mailed 17 February 2011; 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 has an international filing date of 17 July 2009 under 35 U.S.C. 363 and will be given a date of **27 October 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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MAR 25 2011

PCT LEGAL ADMINISTRATION

Michael P. Morris
Boehringer Ingelheim USA Corporation
900 Ridgebury Road
Ridgefield CT 06877-0368

In re Application of :
SCHEIJGROND, Peter Cornelis :
Application No.: 13/055,900 :
PCT No.: PCT/NL2009/000152 :
Int. Filing Date: 21 July 2009 : DECISION
Priority Date: 21 July 2008 :
Att. Docket No.: E5.2-4 :
For: DEVICE FOR THE UTILISATION OF :
WAVE ENERGY AND A METHOD :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 25 January 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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701 Fifth Avenue
Suite 5400
Seattle, WA 98104

MAILED

SEP 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
WONG *et al* :
U.S. Application No.: 13/055,905 :
PCT No.: PCT/SG2008/000271 :
Int. Filing Date: 25 July 2008 :
Priority Date: None :
Attorney Docket No.: 790108.401USPC :
For: METHOD AND SYSTEM FOR SECURING AGAINST LEAKAGE OF SOURCE CODE :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 14 July 2011.

BACKGROUND

On 14 February 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b). Applicants were given two months to respond with extensions of time under 37 CFR 1.136(a) available.

On 14 July 2011, applicants filed the subject petition which was accompanied by, *inter alia*, a $200.00 petition fee; a three-month extension and fee; a declaration signed on behalf of the two nonsigning inventors; and documentary evidence in support of the petition (Exhibits A - D).

DISCUSSION

Applicants claim that co-inventors, Hui YANG and You Liang WANG, could not be reached after diligent effort 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(s) cannot be located or refuse to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventor(s); (4) and an oath or declaration executed by the signing joint inventor(s) on their behalf and on behalf of the nonsigning joint inventor(s).

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

Regarding item (2), applicants provided a statement of facts in the petition by counsel who states that a copy of an assignment and a declaration were sent by TNT Courier to the last known addresses of the two nonsigning inventors. These documents were not delivered. Applicants also claim that the former employer (Resolvo Systems Ptc. Ltd.) of the two inventors does not have a telephone number for either inventor. Applicants state that there is "no other way to contact" the inventors. Copies of the cover letters and courier receipts were provided in the petition.

Section 409.03(d)(I) of the MPEP discusses situations where an inventor cannot be reached and states, in part:

> 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.

Applicants have not shown that a diligent effort was made to contact the two nonsigning inventors. Applicants have made no attempt to verify whether the inventors live at those addresses where the documents were sent. There is no indication that an internet search for an address and telephone number for Mr. YANG and Mr. WANG was made, or former co-workers contacted. These efforts are not extraordinary and are required to show that a diligent effort was made.

Applicants have also not determined whether the inventors were only temporarily unavailable as only one set of documents were sent to the last known addresses on 16 May 2011. Finally, there is no indication that Mr. Christiansen has the requisite firsthand knowledge of the facts required by the MPEP. The letters sent to the nonsigning inventors were sent by Resolvo Systems Ptc. Ltd. of Singapore. A statement of facts by a person from Resolvo Systems Ptc. Ltd. may be required in any renewed petition.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete.

---

[1] Applicants submitted a $200.00 petition fee. The last known addresses of the nonsigning inventors was provided. A declaration signed by two of the four named inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A).

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. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely respond will result in the 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.

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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JAN 04 2012

PCT LEGAL ADMINISTRATION

In re Application of :
WONG *et al* :
U.S. Application No.: 13/055,905 :
PCT No.: PCT/SG2008/000271 :
Int. Filing Date: 25 July 2008 :
Priority Date: None :
Attorney Docket No.: 790108.401USPC :
For: METHOD AND SYSTEM FOR SECURING AGAINST LEAKAGE OF SOURCE CODE :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 21 November 2011.

BACKGROUND

On 07 September 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 10 November 2011, a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt were mailed listing a 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 of 14 July 2011.

On 21 November 2011, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a one-month extension and fee; a declaration signed by three of the four named inventors; a statement of facts by Onn Chee Wong; and documentary evidence in support of the petition (Exhibits A - L).

DISCUSSION

Applicants claim that co-inventor, You Liang WANG, still could not be reached after diligent effort and filed a renewed petition under 37 CFR 1.47(a).

It is first noted that the Form PCT/DO/EO/903 and filing receipt mailed 21 November 2011 were sent, in error, and are hereby **VACATED**.

In the renewed response, applicants submitted a statement of facts by Onn

Chee Wong who claims first-hand knowledge of the facts stated therein. Documentary evidence in support of the statement of facts was also provided.

A review of the evidence provided shows that co-inventor, Hui YANG, has been located and signed the declaration. This is a sufficient response. However, co-inventor, You Liang WANG still could not be reached.

All requirements of 37 CFR 1.47(a) were satisfied in the initial petition except item (2), *i.e.*, factual proof that the missing joint inventor could not be located or refuses to cooperate. A second letter containing a complete copy of the application, declaration and an assignment were mailed to the last known address of Mr. WANG using TNT Express on 21 October 2011. These items were returned as undeliverable on 02 November 2011. It was also noted that TNT Express requested that their Chinese counterparts attempt to contact Mr. WANG by "alternative telephone numbers or email address." These efforts were also unsuccessful. *See* Exh. K. In addition, Mr. Wong claims that they have no further contact information for Mr. WANG or former co-workers and that a search of the internet yielded over two million hits for Mr. WANG's name. Further, there is no directories to search for mobile telephones and Mr. WANG did not own any property. These efforts are sufficient to show that a diligent effort has been made to locate Mr. WANG. Item (2) of 37 CFR 1.47(a) is 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 25 July 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 21 November 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
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UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
JAN 4 2012
PCT LEGAL ADMINISTRATION

In re Application of
WONG *et al*
U.S. Application No.: 13/055,905
PCT No.: PCT/SG2008/000271
Int. Filing Date: 25 July 2008
Priority Date: None
Attorney Docket No.: 790108.401USPC
For: METHOD AND SYSTEM FOR SECURING AGAINST LEAKAGE OF SOURCE CODE

Mr. Wang:

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
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701 Fifth Avenue, Suite 5400
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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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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:	13/055,917	Filing date:	January 25, 2011
First Named Inventor:	Masahiro Yamamoto et al.		
Title of the Invention:	High-Pressure Discharge Lamp Lighting Device, High-Pressure Discharge Lamp Utilizing the Same, Projector Utilizing Said High-Pressure Lamp, and High-Pressure Discharge lamp Lighting Method		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/005451

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

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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 PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/055,917
First Named Inventor:	Masahiro Yamamoto et al.

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on January 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 January 25, 2011

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
9	9	Claims are substantially the same
10	10	Claims are substantially the same; amended in the US to remove multiple dependencies
11	11	Claims are substantially the same
12	12	Claims are substantially the same
13	13	Claims are substantially the same
14	14	Claims are substantially the same
15	15	Claims are substantially the same
16	16	Claims are substantially the same
17	17	Claims are substantially the same
18	18	Claims are substantially the same
19 and 20	19 and 20	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 August 3, 2011
Name (Print/Typed) Joseph W. Price	Registration Number 25,124

VERIFICATION OF TRANSLATION

I, Yuji Yoshie, translator at Nakajima & Associates IP Firm, 6th floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of all claims which were indicated as having novelty, inventive step, and industrial applicability in the Written Opinion of the International Searching Authority for International Application No.PCT/JP2009/005451 mailed on January 19, 2010.

Date: July 28, 2011

Yuji Yoshie

CLAIMS

1. A high-pressure discharge lamp lighting apparatus that supplies an alternating current to a high-pressure discharge lamp to cause lighting, the high-pressure discharge lamp having an arc tube in which a halogen material is enclosed and a pair of electrodes is disposed, each electrode having a protrusion at a tip thereof, the high-pressure discharge lamp lighting apparatus comprising:

an alternating current generation unit operable to generate an alternating current to be supplied to the high-pressure discharge lamp; and

a control unit operable to control the alternating current generation unit, wherein

the control unit causes the alternating current generation unit to generate an alternating current with a first waveform for a predetermined time from the beginning of lighting of the high-pressure discharge lamp and to generate an alternating current with a second waveform after elapse of the predetermined time, the alternating current with the first waveform having a lower or a same absolute instantaneous value in a final section of each half-cycle period thereof compared with the other sections, the alternating current with the second waveform having a higher absolute instantaneous value in a final section of each half-cycle period thereof than in the other sections.

2. The high-pressure discharge lamp lighting apparatus of Claim 1, wherein

the alternating current generation unit generates the alternating current with the first waveform while receiving a first signal and the alternating current with the second waveform while receiving a second signal, and

the control unit includes:

a timer measuring an elapsed time from the beginning of the lighting;

a lighting waveform generator selectively generating either one of the first signal and the second signal to be input to the alternating current generation unit;

and

a selector causing the lighting waveform generator to generate the first signal until the elapsed time reaches the predetermined time and causing the lighting waveform generator to generate the second signal from a point when the elapsed time reaches the predetermined time.

3. The high-pressure discharge lamp lighting apparatus of Claim 1, wherein

the predetermined time is longer than a time period from the beginning of the lighting until a temperature of the electrodes reaches a peak.

4. The high-pressure discharge lamp lighting apparatus of Claim 1, wherein

the predetermined time is in a range from 30 s to 300 s inclusive.

5. The high-pressure discharge lamp lighting apparatus of Claim 1, wherein

the alternating current with the first waveform has a substantially constant instantaneous value during each half-cycle period.

6. The high-pressure discharge lamp lighting apparatus of Claim 1, wherein

when each half-cycle period of the alternating current is divided into an initial section, a middle section, and a final section, the alternating current with the second waveform has a lower absolute instantaneous value in the initial section than in the middle section and has a higher absolute instantaneous value in the final section than in the middle section.

7. The high-pressure discharge lamp lighting apparatus of Claim 6, wherein

the second waveform is a staircase-waveform, and the absolute instantaneous value of the alternating current therewith gradually increases in a staircase-like manner in the initial section, is maintained at the same level in the

middle section, and gradually increases again in the final section.

8. The high-pressure discharge lamp lighting apparatus of Claim 1, wherein

the control unit further controls the alternating current generation unit so that the alternating current supplied to the high-pressure discharge lamp has a first frequency while a lamp voltage thereof is not lower than a predetermined value, and the alternating current supplied to the high-pressure discharge lamp has a second frequency which is higher than the first frequency while the lamp voltage thereof is lower than the predetermined value.

9. The high-pressure discharge lamp lighting apparatus of Claim 8, wherein

the control unit further controls the alternating current generation unit so that the alternating current supplied to the high-pressure discharge lamp has a third frequency which is lower than the second frequency for the predetermined time from the beginning of lighting of the high-pressure discharge lamp, regardless of the lamp voltage thereof.

10. A high-pressure discharge lamp apparatus comprising:

a high-pressure discharge lamp having an arc tube in which a halogen material is enclosed and a pair of electrodes is disposed, each electrode having a protrusion at a tip thereof; and

the high-pressure discharge lamp lighting apparatus for lighting the high pressure discharge lamp, as defined in any one of Claims 1 through 9.

11. A projector comprising:

the high-pressure discharge lamp apparatus of Claim 10.

12. A high-pressure discharge lamp lighting method for supplying an alternating

current to a high-pressure discharge lamp to cause lighting, the high-pressure discharge lamp having an arc tube in which a halogen material is enclosed and a pair of electrodes is disposed, each electrode having a protrusion at a tip thereof, the high-pressure discharge lamp lighting method comprising the steps of:

(a) supplying an alternating current with a first waveform to the high-pressure discharge lamp for a predetermined time from the beginning of lighting of the lamp, the alternating current with the first waveform having a lower absolute instantaneous value in a final section of each half-cycle period thereof than in the other sections; and

(b) supplying an alternating current with a second waveform to the high-pressure discharge lamp when the predetermined time has elapsed, the alternating current with the second waveform having a higher absolute instantaneous value in the final section of each half-cycle period thereof than in the other sections.

13. The high-pressure discharge lamp lighting method of Claim 12 further comprising the steps of:

causing a timer to measure the elapsed time from the beginning of lighting, wherein

in the step (a), a first signal is input to an alternating current generation unit when the time indicated by the timer reaches the predetermined time and in the step (b), a second signal is input to the alternating current generation unit from a point when the elapsed time reaches the predetermined time, the alternating current generation unit generating the alternating current with the first waveform while receiving the first signal, and generating the alternating current with the second signal while receiving the second signal.

14. The high-pressure discharge lamp lighting method of Claim 12 wherein

the predetermined time is longer than a time period from the beginning of

the lighting until a temperature of the electrodes reaches a peak.

15. The high-pressure discharge lamp lighting method of Claim 12 wherein the predetermined time is in a range from 30 s to 300 s inclusive.

16. The high-pressure discharge lamp lighting method of Claim 12, wherein the alternating current with the first waveform has a substantially constant instantaneous value during each half-cycle period.

17. The high-pressure discharge lamp lighting method of Claim 12, wherein when each half-cycle period of the alternating current is divided into an initial section, a middle section, and a final section, the alternating current with the second waveform has a lower absolute instantaneous value in the initial section than in the middle section and has a higher absolute instantaneous value in the final section than in the middle section.

18. The high-pressure discharge lamp lighting method of Claim 17, wherein the second waveform is a staircase-waveform, and the absolute instantaneous value of the alternating current therewith gradually increases in a staircase-like manner in the initial section, is maintained at the same level in the middle section, and gradually increases again in the final section.

19. The high-pressure discharge lamp lighting method of Claim 12, wherein the alternating current supplied to the high-pressure discharge lamp has a first frequency while a lamp voltage thereof is not lower than a predetermined value, and the alternating current supplied to the high-pressure discharge lamp has a second frequency which is higher than the first frequency while the lamp voltage thereof is lower than the predetermined value.

20. The high-pressure discharge lamp lighting apparatus of Claim 19, wherein

the alternating current supplied to the high-pressure discharge lamp has a third frequency which is lower than the second frequency for a predetermined time from the beginning of lighting of the high-pressure discharge lamp, regardless of the lamp voltage thereof.

請求の範囲

[請求項1] 内部に、ハロゲン物質が封入され、かつ先端部に突起部が形成されている一対の電極が配置されている発光管を有する高圧放電ランプに対して、交流電流を供給して点灯させる高圧放電ランプ点灯装置であって、

前記高圧放電ランプに供給される交流電流を生成する交流電流生成部と、前記交流電流生成部を制御する制御部とを備え、

前記制御部は、

前記高圧放電ランプの点灯開始から所定時間が経過するまで、交流電流の半周期中の最終区間における交流電流の瞬時値を半周期中のそれ以外の区間における交流電流の瞬時値よりも高くしない第１波形を適用させ、前記所定時間が経過すれば、半周期中の最終区間における交流電流の瞬時値を半周期中のそれ以外の区間における交流電流の瞬時値よりも高くする第２波形を適用させて、前記交流電流生成部に交流電流を生成させること

を特徴とする高圧放電ランプ点灯装置。

[請求項2] 前記交流電流生成部は、第１信号が入力されれば前記第１波形の交流電流を生成し、第２信号が入力されれば前記第２波形の交流電流を生成するものであり、

前記制御部は、

前記高圧放電ランプの点灯開始からの経過時間を計測する計時部と、

前記交流電流生成部に入力される第１信号および第２信号を選択的に発生する点灯波形発生部と、

前記計時部の経過時間が前記所定時間を超えるまで、前記点灯波形発生部に前記第１信号を発生させ、前記計時部の経過時間が前記所定時間を超えれば、前記点灯波形発生部に前記第２信号を発生させる選択部と

を備えることを特徴とする請求項１に記載の高圧放電ランプ点灯装置。

[請求項3] 前記所定時間は、前記高圧放電ランプの点灯開始から前記高圧放電ランプの電極温度がピークに達するまでの時間よりも長いこと

を特徴とする請求項１に記載の高圧放電ランプ点灯装置。

[請求項4] 前記所定時間は、３０［ｓ］以上３００［ｓ］以下の範囲内であること

を特徴とする請求項１に記載の高圧放電ランプ点灯装置。

[請求項5] 前記第１波形は、半周期にわたり交流電流の瞬時値を略一定とする波形であること

を特徴とする請求項１に記載の高圧放電ランプ点灯装置。

[請求項6] 前記第２波形は、半周期を初期区間、中間区間および最終区間に分けたとき、初期区間における交流電流の瞬時値を中間区間における交流電流の瞬時値よりも低くし、最終区間における交流電流の瞬時値を中間区間における交流電流の瞬時値よりも高くした波形であること

を特徴とする請求項１に記載の高圧放電ランプ点灯装置。

[請求項7] 前記第２波形は、前記初期区間で交流電流の瞬時値が階段状に漸増し、前記中間区間で交流電流の瞬時値がそのまま維持され、前記最終区間で交流電流の瞬時値がさらに漸増する階段波であること

を特徴とする請求項６に記載の高圧放電ランプ点灯装置。

[請求項8] 前記制御部は、さらに、前記高圧放電ランプのランプ電圧が所定値よりも高ければ、前記高圧放電ランプに供給される交流電流の周波数を第１の値とし、前記高圧放電ランプのランプ電圧が所定値より低ければ、前記高圧放電ランプに供給される交流電流の周波数を前記第１の値よりも高い第２の値とするように、前記交流電流生成部を制御すること

を特徴とする請求項１に記載の高圧放電ランプ点灯装置。

[請求項9] 前記制御部は、さらに、前記高圧放電ランプの点灯開始から前記所

定時間が経過するまでは、前記高圧放電ランプのランプ電圧にかかわらず、前記高圧放電ランプに供給される交流電流の周波数を前記第２の値よりも低い第３の値とするように、前記交流電流生成部を制御すること

を特徴とする請求項８に記載の高圧放電ランプ点灯装置。

[請求項10] 内部に、ハロゲン物質が封入され、かつ先端部に突起部が形成されている一対の電極が配置されている発光管を有する高圧放電ランプと、

前記高圧放電ランプを点灯させる請求項１～９のいずれか１項に記載された高圧放電ランプ点灯装置と、を備えたことを特徴とする高圧放電ランプ装置。

[請求項11] 請求項１０に記載された高圧放電ランプ装置を備えたことを特徴とするプロジェクタ。

[請求項12] 内部に、ハロゲン物質が封入され、かつ先端部に突起部が形成されている一対の電極が配置されている発光管を有する高圧放電ランプに対して、交流電流を供給して点灯させる高圧放電ランプの点灯方法であって、

前記高圧放電ランプの点灯開始から所定時間が経過するまで、交流電流の半周期中の最終区間における交流電流の瞬時値を半周期中のそれ以外の区間における交流電流の瞬時値よりも高くしない第１波形で交流電流を前記高圧放電ランプに供給し、

前記所定時間が経過すれば、半周期中の最終区間における交流電流の瞬時値を半周期中のそれ以外の区間における交流電流の瞬時値よりも高くする第２波形で交流電流を前記高圧放電ランプに供給すること

を特徴とする高圧放電ランプ点灯方法。

[請求項13] 前記高圧放電ランプ点灯方法は、

前記高圧放電ランプの点灯開始からの経過時間を計時部に計測させ、

第１信号が入力されれば前記第１波形の交流電流を生成し、第２信号が入力されれば前記第２波形の交流電流を生成する交流電流生成部に対し、前記計時部の経過時間が前記所定時間を超えるまで前記第１信号を入力し、前記計時部の経過時間が前記所定時間を超えれば前記第２信号を入力することにより実現されること

を特徴とする請求項１２に記載の高圧放電ランプ点灯方法。

[請求項14] 前記所定時間は、前記高圧放電ランプの点灯開始から前記高圧放電ランプの電極温度がピークに達するまでの時間よりも長いこと

を特徴とする請求項１２に記載の高圧放電ランプ点灯方法。

[請求項15] 前記所定時間は、３０［ｓ］以上３００［ｓ］以下の範囲内であること

を特徴とする請求項１２に記載の高圧放電ランプ点灯方法。

[請求項16] 前記第１波形は、半周期にわたり交流電流の瞬時値を略一定とする波形であること

を特徴とする請求項１２に記載の高圧放電ランプ点灯方法。

[請求項17] 前記第２波形は、半周期を初期区間、中間区間および最終区間に分けたとき、初期区間における交流電流の瞬時値を中間区間における交流電流の瞬時値よりも低くし、最終区間における交流電流の瞬時値を中間区間における交流電流の瞬時値よりも高くした波形であること

を特徴とする請求項１２に記載の高圧放電ランプ点灯方法。

[請求項18] 前記第２波形は、前記初期区間で交流電流の瞬時値が階段状に漸増し、前記中間区間で交流電流の瞬時値がそのまま維持され、前記最終区間で交流電流の瞬時値がさらに漸増する階段波であること

を特徴とする請求項１７に記載の高圧放電ランプ点灯方法。

[請求項19] さらに、前記高圧放電ランプのランプ電圧が所定値よりも高ければ、前記高圧放電ランプに供給される交流電流の周波数を第１の値とし、前記高圧放電ランプのランプ電圧が所定値より低ければ、前記高圧放電ランプに供給される交流電流の周波数を前記第１の値よりも高い

第２の値とすること

を特徴とする請求項１２に記載の高圧放電ランプ点灯方法。

[請求項20]　さらに、前記高圧放電ランプの点灯開始から前記所定時間が経過するまでは、前記高圧放電ランプのランプ電圧にかかわらず、前記高圧放電ランプに供給される交流電流の周波数を前記第２の値よりも低い第３の値とすること

を特徴とする請求項１９に記載の高圧放電ランプ点灯方法。

VERIFICATION OF TRANSLATION

I, Yuji Yoshie, translator at Nakajima & Associates IP Firm, 6th floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of the Written Opinion of the International Searching Authority for International Application No.PCT/JP2009/005451 mailed on January 19, 2010.

Date: July 28, 2011

Yuji Yoshie

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

Shiro NAKAJIMA
6F, Yodogawa 5-Bankan, 2-1,
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Osaka-shi, Osaka 531-0072
JAPAN

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(Implementing Regulation 40.2)

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year):* 19.01.2010
Applicant's or agent's file reference: P052395P0A74
FOR FURTHER ACTION: See paragraph 2 below
International application No.: PCT/JP2009/005451
International filing date *(day/month/year):* 19/10/2009
Priority date *(day/month/year):* 29/10/2008
International Patent Classification (IPC): H05B41/24 (2006.01)i
Applicant (name of person or organization): Panasonic Corporation

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

☒Box No. I Basis of the opinion

☐Box No. II Priority

☐Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐Box No. IV Lack of unity of invention

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

☐Box No. VI Certain documents cited

☐Box No. VII Certain defects in the international application

☐Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than

this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

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

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

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

Date of completion of this opinion: 07.01.2010

Name and mailing address of the ISA/Authorized officer:

Hidefumi Shouji
Japan Patent Office (ISA/JP)
3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo-to 100-8915

JPO Examiner (Authorized Officer)
3X 4484
Telephone No.: 03-3581-1101 Extension 3372

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.: PCT/JP2009/005451

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(b))

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

a. (type) ☐ array table
☐ table pertaining to an array table

b. (format) ☐ on paper
☐ in electronic form

c. (time) ☐ in the international application as filed
☐ together with the international application in electronic form
☐ subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International Application No.: PCT/JP2009/005451

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

1. Statement

Novelty (N)	Claims	1–20	YES
	Claims		NO
Inventive step (IS)	Claims	1–20	YES
	Claims		NO
Industrial applicability (IA)	Claims	1–20	YES
	Claims		NO

2. Citations and explanations:

Document 1: Japanese Patent Application Publication No. 2003-257689 A (Matsushita Electric Industrial Co., Ltd.) 2003.09.12, paragraphs [0009], [0027], and Fig. 2 (No family applications)

Document 2: Japanese Patent Application Publication No. 2005-327661 A (Matsushita Electric Industrial Co., Ltd.) 2005.11.24, paragraphs [0002] – [0008] (No family applications)

Document 3: Japanese Patent Application Publication No. 2002-134287 A (TDK Corporation) 2002.05.10, Fig. 2 (No family applications)

Document 4: Japanese Patent Application Publication No. 2004-165006 A (Matsushita Electric Industrial Co., Ltd.) 2004.06.10, Claims 1 and 3 (No family applications)

The inventions pertaining to claims 1–20 are not disclosed in any of the documents cited in the International Search Report, and therefore are considered not to be obvious.

In detail, the documents cited in the International Search Report remain silent of the feature in Claims 1–20 of the present invention of: "generate an alternating current with a first waveform for a predetermined time from the beginning of lighting of the high-pressure discharge lamp..., the alternating current with the first waveform having a lower or a same absolute instantaneous value in a final section of each half-cycle period thereof compared with the other sections...". By being provided with this feature, the inventions pertaining to Claims 1–20 exhibit an advantageous effect of realizing the "prevention of electrode damage and the stabilization of the arc point, even if the lamp voltage during the stationary lighting changes in

proportion to the total lighting time, by switching the waveform of the alternating current in accordance with an elapsed time from the beginning of lighting of the lamp".

特許協力条約

発信人　日本国特許庁（国際調査機関）

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様

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ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 (日.月.年)	19. 01. 2010
出願人又は代理人 の書類記号　P052395P0A74	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／ＪＰ２００９／００５４５１	(日.月.年)　19. 10. 2009	(日.月.年)　29. 10. 2008

国際特許分類（ＩＰＣ）Int.Cl. H05B41/24(2006.01)i

出願人（氏名又は名称）
パナソニック株式会社

１．この見解書は次の内容を含む。

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

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

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

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
07. 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）　３Ｘ　４４８４
荘司　英史
電話番号　０３－３５８１－１１０１　内線　３３７２

国際調査機関の見解書

国際出願番号 PCT／JP2009／005451

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／JP2009／005451

第Ⅴ欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性（N）	請求項	1-20	有
	請求項		無
進歩性（IS）	請求項	1-20	有
	請求項		無
産業上の利用可能性（IA）	請求項	1-20	有
	請求項		無

2. 文献及び説明

文献１：JP 2003-257689 A（松下電器産業株式会社）2003.09.12，段落【０００９】，【００２７】，【図２】（ファミリーなし）
文献２：JP 2005-327661 A（松下電器産業株式会社）2005.11.24，段落【０００２】-【０００８】（ファミリーなし）
文献３：JP 2002-134287 A（ティーディーケイ株式会社）2002.05.10，【図２】（ファミリーなし）
文献４：JP 2004-165006 A（松下電器産業株式会社）2004.06.10，【請求項１】，【請求項３】（ファミリーなし）

請求項１－２０に係る発明は、国際調査報告で引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

いずれの文献にも請求項１－２０に係る発明が有する「高圧放電ランプの点灯開始から所定時間が経過するまで、交流電流の半周期中の最終区間における交流電流の瞬時値を半周期中のそれ以外の区間における交流電流の瞬時値よりも高くしない第１波形を適用」することが記載されておらず、請求項１－２０に係る発明はそれにより「ランプの点灯開始からの経過時間を基準として交流電流の波形を切り替えることで、たとえ累積点灯時間に応じて定常点灯時のランプ電圧が変動したとしても、電極損傷の防止およびアーク起点の安定を両立させることができる。」という有利な効果を発揮する。

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SMITH & NEPHEW, INC.
ATTN: Chief Patent Counsel
7135 Goodlett Farms Parkway
Cordova TN 38016

MAILED

DEC 30 2011

PCT LEGAL ADMINISTRATION

In re Application of :
ROSE, John, et al. :
Application No.: 13/055,920 : DECISION
PCT No.: PCT/US2009/051713 :
Int. Filing Date: 24 July 2009 : ON REQUEST UNDER
Priority Date: 25 July 2008 :
Attorney's Docket No.: 105826-0012-301 : 37 CFR 1.497(d)
For: FRACTURE FIXATION SYSTEMS :

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 24 October 2011.

BACKGROUND

On 17 February 2011, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 19 September 2011, applicants filed a declaration listing seven inventors.

On 23 September 2011, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was still required and that the inventors on the filed declaration did not match those on the international application.

On 24 October 2011, applicants filed this petition under 37 CFR 1.497(d) to correct the inventorship.

DISCUSSION

Applicants file this request to remove Mark Thomas Lewis, Charles C. Martin, Lu Gan, Anthony Dagger, Sied W. Janna, Hoa L. Wilhelm, Robin A. Chivers, Gene Edward Austin, Darren James Wilson, Malcolm Brown, Gina Dootson, Richard Milner, Alan William Bull and Horacio Montes De Orca Balderas, as inventors and to add Nicola Macauley 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.

Item (1) has been satisfied as to the above inventors except Horacio Montes De Orca Balderas. He has not signed the statement. A petition under 37 CFR 1.47(a) is for excusing the requirement of the inventor's signature on the oath or declaration. It is not for removing the inventor from an application without the inventor's consent. The $200 petition fee will be refunded to deposit account no. 06-1075, as authorized.

Item (2) has been satisfied.

Item (3) has not been satisfied. Applicants have not furnished written consent of the assignee in compliance with 37 CFR 3.73. The assignment has not been recorded with the Office. Further, the statement under 37 CFR 3.73 is directed to 13/055,922.

CONCLUSION

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

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 Request Under 37 CFR 1.497(d)". Extensions of time are available under 37 CFR 1.136(a).

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Smith & Nephew, Inc.
Chief Patent Counsel
1450 Brooks Road
Memphis TN 38116

MAILED

OCT 13 2011

PCT LEGAL ADMINISTRATION

In re Application of :
ROSE et al. :
Application No.: 13/055,922 : DECISION ON PETITION
PCT No.: PCT/US2009/051715 : UNDER 37 CFR 1.497(d)
Int. Filing Date: 24 July 2009 :
Priority Date: 25 July 2008 :
Attorney Docket No.: 105826-0013-301 :
For: FRACTURE FIXATION SYSTMES :

This decision is issued in response to applicant's "Request under 37 CFR 1.497(d)" filed 15 September 2011. The $130 petition fee has been provided.

BACKGROUND

On 24 July 2009, applicant filed international application PCT/US2009/051715 which claimed a priority date of 25 July 2008. The published international application identified the following applicants/inventors for the United States: John ROSE, Sied W. JANNA, Mark Thomas LEWIS, Charles C. MARTIN, William Dean PATTERSON, James K. RAINS, Lu GAN, Anthony DAGGER, Hoa L. WILHELM, Gene Edward AUSTIN, Darren James WILSON, Robin A. CHIVERS, Malcolm BROWN, Graeme HOWLING, Gina DOOTSON, Horacio MONTES DE OCA BALDERAS, and Richard MILNER. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 25 January 2011.

On 25 January 2011, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and an application data sheet.

On 15 February 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(a) and (b). The notification set a two-month time limit in which to respond.

On 26 April 2011, applicant submitted a declaration executed by John ROSE and Charles C. MARTIN.

On 28 April 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because the declaration did not include all the inventors listed on the international application.

On 15 September 2011, applicant filed a request under 37 CFR 1.497(d).

DISCUSSION

Applicant requests to delete Sied W. JANNA, Mark Thomas LEWIS, William Dean PATTERSON, James K. RAINS, Lu GAN, Anthony DAGGER, Hoa L. WILHELM, Gene Edward AUSTIN, Darren James WILSON, Robin A. CHIVERS, Malcolm BROWN, Graeme HOWLING, Gina DOOTSON, Horacio MONTES DE OCA BALDERAS, and Richard MILNER 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 has submitted a statement from the persons being deleted (Sied W. JANNA, Mark Thomas LEWIS, William Dean PATTERSON, James K. RAINS, Lu GAN, Anthony DAGGER, Hoa L. WILHELM, Gene Edward AUSTIN, Darren James WILSON, Robin A. CHIVERS, Malcolm BROWN, Graeme HOWLING, Gina DOOTSON, Horacio MONTES DE OCA BALDERAS, and Richard MILNER) as inventors in compliance with 37 CFR 1.497(d)(1). The $130 processing fee required under 37 CFR 1.497(d)(3) has been submitted. And applicant has submitted written consent of the assignee in compliance with 37 CFR 3.73(b). Lastly, applicant has submitted a declaration executed by John ROSE and Charles C. MARTIN. 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**.

Based on the above, the declaration filed 26 April 2011 is in compliance with 37 CFR 1.497. The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
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22429
LOWE HAUPTMAN HAM & BERNER, LLP
1700 Diagonal Road
Suite 300
Alexandria, VA 22314

MAILED

MAR 23 2011

PCT LEGAL ADMINISTRATION

In re Application of :
PALTI *et al* :
U.S. Application No.: 13/055,935 :
PCT No.: PCT/EP2008/003736 :
Int. Filing Date: 09 May 2008 :
Priority Date: None :
Docket No.: 5127-007 :
For: MACHINING DEVICE FOR PRODUCING A DRILLING JIG FOR DENTAL IMPLANTS :

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 25 January 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.

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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AUG 04 2011

PCT LEGAL ADMINISTRATION

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted OH 44070-2224

In re of	:	DECISION ON
Wieland et al	:	
Application No: 13/055,951	:	
PCT No.: PCT/EP2009/005636	:	PETITION UNDER
Int. Filing Date: 4 August 2009	:	
Priority Date: 4 August 2008	:	
Attorney's Docket No.: GIL- 34263	:	
For: Cholesteryl Sulfate-Containing Compositions	:	
As A Haemostatic	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 11 May 2011.

BACKGROUND

On 26 January 2009, applicants filed via EFS-WEB entry into the national stage in the United States of America. Filed via EFS-WEB was, inter alia, a transmittal letter for entry into the national stage in the United States,and the requisite basic national fee. No executed oath or declaration from the inventors accompanied the filing.

On 16 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905), which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by the International application number and international filing date." 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 11 May 2011, petitioner filed the present petition under 37 CFR 1.47(a) accompanied, inter alia, an executed Declaration without the signature of one of the joint inventors, i.e., without the signature of Mr. Hayward.

DISCUSSION

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

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

Regarding requirement (1), the petition fee of $200 under 37 CFR 1.17(g) ahs been charged to petitioner's deposit account no.: 060625.

Regarding requirement (2), Mr. Clark has stated that a complete copy of the application papers were mailed on March 29, 2011 via Federal Express to the non-signing co-inventor, Mr. Hayward's home address and were delivered on March 30, 2011 but have not been returned. Petitioner has provided a copy of the cover letter mailed with the application papers, and has included the Federal Express shipping information of delivery.

However, petitioner states that copy of the signed receipt by "T Hunter" at 11:25 am as according to the online records of postal service is attached to exhibit B but no such record is provided, instead exhibit B has the copy of the Express Mail mailing label. As a result, no documentary evidence to support this assertion has been provided such as the postal receipt acknowledging receipt of the application papers.

Regarding requirement (3), petitioner has provided an affirmative statement of the last known address of the nonsigning co-inventor Mr. Hayward.

James Hayward
1 Emmet Drive,
Stony Brook, New York 11790

Regarding requirement (4), petitioner has provided a provided a properly executed declaration without the signature of joint inventor Mr. Hayward.

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

CONCLUSION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

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

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RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted OH 44070-2224

MAILED
NOV 09 2011
PCT LEGAL ADMINISTRATION

In re of	:	DECISION ON
Wieland et al	:	
Application No: 13/055,951	:	
PCT No.: PCT/EP2009/005636	:	
Int. Filing Date: 4 August 2009	:	PETITION UNDER
Priority Date: 4 August 2008	:	
Attorney's Docket No.: GIL- 34263	:	
For: Cholesteryl Sulfate-Containing Compositions	:	
As A Haemostatic	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 21 September 2011.

BACKGROUND

In a decision from this Office on 04 August 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 21 September 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting to accept the above application without the signature of joint inventor James Hayward. The petition is accompanied with additional evidenced exhibit B, which was inadvertently not included with the Reply filed on May 11, 2011.

DISCUSSION

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

The renewed petition of 21 September 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), the statement by Mr. Clark and the evidence provided shows that the Express Mail receipt was signed for by "T Hunter" on March 30, 2011 at the Stony Brook address for Mr. Hayward. Petitioner has provided a copy of the delivery receipt by USPS showing that the application papers were delivered and signed for on March 30, 2011.

Consequently, at this time it can be concluded that Mr. Hayward has refused to sign the documents.

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

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

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

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

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

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James Hayward
1 Emmet Drive,
Stony Brook, New York 11790

MAILED
NOV 09 2011
PCT LEGAL ADMINISTRATION

In re of
Wieland et al
Application No: 13/055,951
PCT No.: PCT/EP2009/005636
Int. Filing Date: 4 August 2009
Priority Date: 4 August 2008
Attorney's Docket No.: GIL- 34263
For: Cholesteryl Sulfate-Containing Compositions
As A Haemostatic

Dear: Mr. Hayward,

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

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

Rafael Bacares
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OFFICE OF PETITIONS

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

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

In re Application of
KITADA, et al
Application No.: 13/056,003
Filed: January 26, 2011
Attorney Docket No.: 110025
For: MANUFACTURING SYSTEM AND MANUFACTURING METHOD FOR OPTICAL DISPLAY DEVICE

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 9, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

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

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

This application is being forwarded to Technology Center AU 1746 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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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.
13/056,011	01/26/2011	Hiroyuki Nagai	2011_0090A	1059

513 7590 06/15/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
2836	

NOTIFICATION DATE	DELIVERY MODE
06/15/2011	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com

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

In re Application of
NAGAI et al.
Application No.: 13/056,011
Filed: 26 January 2011
Attorney Docket No.: 2011_0090A
For: STATIC ELIMINATING SHEET ...

: 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 07 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

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

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

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MAILED

SEP 01 2011

PCT LEGAL ADMINISTRATION

CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of	:	DECISION ON
ECKER et al	:	
Application No.: 13/056,051	:	
PCT No.: PCT/EP2009/059776	:	
Int. Filing Date: 29 July 2009	:	PETITION UNDER
Priority Date: 31 July 2008	:	
Attorney Docket No.: 11885-0100-US	:	
For: SPATIALLY DISTORTED IMAGE	:	37 CFR 1.182

This decision is in response to petitioner's "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE," filed on 01 July 2011 which is being treated as a petition under 37 CFR 1.182 stating that Sandra Schaffler is her married name. The petition fee of $400.00 has been charged to petitioner's deposit account No.: 03-2775.

BACKGROUND

On 26 January 2011, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicants, however, did not provide an executed oath or declaration as required under 35 U.S.C. 371(c)(4).

On 22 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date... is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment.

On 30 March 2011, applicants submitted an executed declaration. In the declaration section pertaining to the name of the second co-inventor has been amended to Sandra Schaffler, nee Ecker; this name did not appear in the international application, which the name that appeared is Sandra Ecker. In addition, the declaration has been signed by "Sandra Schaffler."

On 05 April 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF A DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) because the declaration was in not compliance with 37 CFR 1.497(a) and (b). It stated that the last name of the second inventor has changed to SCHAFFLER (previously ECKER). Please prove an explanation for the name change.

On 01 July 2011, petitioner filed the instant petition explaining that the name change due was to marriage.

DISCUSSION

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

The submission has not satisfied items (1) and (2).

With respect to item (1), the petition fee has been provided.

With respect to item (2), a declaration has been provided signed under Sandra Schaffler setting forth the procedure whereby the change of name was effected from Sandra Ecker to Sandra Schaffler due to marriage. Therefore, item (2) has been satisfied.

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

CONCLUSION

The petition under 37 CFR §1.182 for change of name of co-inventor is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/056,058	Filing date:	January 26, 2011
First Named Inventor:	Kakeru IRIE		
Title of the Invention:	MOBILE TERMINAL, DATA CONTROL PROGRAM, AND DATA CONTROL METHOD		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/003520

The international date of the corresponding PCT application(s) is/are: July 27, 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☐ Is attached.

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

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

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

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 PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/056,058
First Named Inventor:	Kakeru IRIE

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 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 January 26, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-17	1-17	Same claims

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

Signature /Pattric J. Rawlins/	Date April 19, 2011
Name (Print/Typed) Pattric J. Rawlins	Registration Number 47887

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,058	04/19/2011	Kakeru Irie	114324-KC0179	1438

27189 7590 08/12/2011
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

EXAMINER	
ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
08/12/2011	ELECTRONIC

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

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

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

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PTONotifications@procopio.com

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

In re Application of
Kakeru IRIE
Application No.: 13/056,058 : **DECISION ON REQUEST TO**
Filed: 19 April 2011 : **PARTICIPATE IN THE PATENT**
Attorney Docket No.: 114324-KC0179 : **PROSECUTION HIGHWAY**
For: MOBILE TERMINAL, DATA CONTROL PROGRAM, AND DATA CONTROL METHOD : **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 19 April 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

(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 fail to meet requirement (2).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the Written Opinion (PCT/ISA/237).

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,058	04/19/2011	Kakeru IRIE	114324-KC0179	1438

EXAMINER	
ART UNIT	PAPER NUMBER
2629	
SUBMISSION DATE	DELIVERY MODE
09/12/2011	EFS WEB

MOBILE TERMINAL, DATA CONTROL PROGRAM, AND DATA CONTROL METHOD

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

In response to the Decision on Request to Participate in the PCT-PPH Program mailed August 12, 2011 ("Decision"), Applicant respectfully requests reconsideration and grant of the petition. The Decision indicated that applicant's Petition was dismissed for failure to identify and explain why the claims are not subject to the observation in Box VIII of the Written Opinion. Applicant submits that the translation of the claims from the Japanese language to the English language adequately addressed the observations regarding the clarity of the claims set forth in Box VIII. Furthermore, applicant submits that the present English language claims meet the requirements for clarity as set forth in 35 USC § 112. Accordingly, applicant requests that its petition be granted.

Respectfully submitted,
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

Dated: September 12, 2011

By: /Pattric J. Rawlins/
Pattric J. Rawlins
Reg. No. 47,887

Customer No. 27189

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,058	04/19/2011	Kakeru Irie	114324-KC0179	1438

27189 7590 09/23/2011

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

EXAMINER	
ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
09/23/2011	ELECTRONIC

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

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

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

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

In re Application of
Kakeru IRIE
Application No.: 13/056,058 : **DECISION ON REQUEST TO**
Filed: 19 April 2011 : **PARTICIPATE IN THE PATENT**
Attorney Docket No.: 114324-KC0179 : **PROSECUTION HIGHWAY**
For: MOBILE TERMINAL, DATA : **PROGRAM AND PETITION**
CONTROL PROGRAM, AND DATA : **TO MAKE SPECIAL UNDER**
CONTROL METHOD : **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 19 April 2011 and renewed 12 September 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,072	01/26/2011	Satoko Tofukuji	13702/7	1577

23838 7590 09/14/2011

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER	
ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
09/14/2011	PAPER

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SEP 14 2011

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re application of
Satoko Tofukujo
Application No. 13/056,072
Filed: January 26, 2011
For: ELECTRIC DRIVE VEHICLE

: **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 June 08, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed on June 08, 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: 09/13/11

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SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS, MO 63102

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of Quang A. Nguyen :
Application No. 13/056,074 :
Int'l Filing Date: August 24, 2010 :
Attorney Docket No. ABNT 5110.2 :
Pub. No. US 2011/0262984 A1 :
Pub. Date: October 27, 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 23, 2011.

The request is **dismissed**.

Applicant requests the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The mistake identified in the instant request is not a material Office mistake as required under 37 C.F.R. § 1.221(b). Specifically, the mistake does not affect the public's ability to appreciate

[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.

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, 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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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 22 2011

PCT LEGAL ADMINISTRATION

WORKMAN NYDEGGER / 3 FORM
WORKMAN NYDEGGER
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

In re Application of	:	
GHATIKAR	:	
Application No.: 13/056,083	:	DECISION on
PCT No.: PCT/US09/30992	:	
Int. Filing Date: 14 January 2009	:	PETITION
Priority Date: 20 June 2008	:	
Attorney Docket No.: 15999.78.A.1	:	UNDER 37 CFR 1.137(b)
For: LOW-PROFILE FASTENER ASSEMBLIES, PANEL MOUNTING SYSTEMS AND METHODS	:	

The petition to revive under 37 CFR 1.137(b) filed 26 January 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 $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application will be forwarded to the United States Designated/Elected Office for further processing. The surcharge for filing the oath or declaration after the thirty month period, is required and will be charged to applicant's deposit account per his authorization. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 26 January 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/056,099	Filing date:	January 26, 2011
First Named Inventor:	Keisuke NAGATA		
Title of the Invention:	MOBILE PHONE TERMINAL		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/003522

The international date of the corresponding PCT application(s) is/are: July 27, 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☐ Is attached.

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

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

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

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 PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/056,099
First Named Inventor:	Keisuke NAGATA

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 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 January 26, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
4	4	Same claim.

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

Signature /Pattric J. Rawlins/	Date May 11, 2011
Name (Print/Typed) Pattric J. Rawlins	Registration Number 47887

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,099	01/26/2011	Keisuke Nagata	114324-KC0180	1856

27189 7590 05/25/2011

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
05/25/2011	ELECTRONIC

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

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

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

docketing@procopio.com
PTONotifications@procopio.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

In re Application of	:	
NAGATA, KEISUKE	:	DECISION ON REQUEST TO
Application No. **13/056,099**	:	PARTICIPATE IN PATENT
Filed: **January 26, 2011**	:	PROSECUTION HIGHWAY
Attorney Docket No. **114324-KC0180**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed May 11, 2011 to make the above-identified application special.

The request and petition are **DENIED**.

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 fail to comply with the above requirements. Specifically the U.S. application includes claims 1-10 per the preliminary amendment filed on January 26, 2011. Since only claim 4 is indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application, claims 1-3 and 5-10 do not sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application. Further, only claim 4 is listed by the applicant in the correspondence table filed on May 11, 2011 as corresponding to a claim in the PCT application. As such, requirement (5) above is not met.

Telephone inquiries concerning this decision should be directed to Daniel Swerdlow at 571-272-7531.

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

The application will be forwarded to the examiner in due course for action on the merits commensurate with this decision.

/ Daniel Swerdlow /

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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APR 28 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
NEWSOME	:	
Application No.: 13/056,113	:	
PCT No.: PCT/GB09/01881	:	DECISION ON PETITION
Int. Filing Date: 30 July 2009	:	
Priority Date: 01 August 2008	:	under 37 CFR 1.497(d)
Atty Docket No.: 29610/CDT1046	:	
For: ORGANIC ELECTROLUMINESCENT DEVICE	:	

This is a decision on applicant's' "Petition and Amendment to Correct Inventorship", filed on 15 April 2011 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application. The petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 26 January 2011, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 17 February 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 filing the oath or declaration after the thirty month period, is required.

DISCUSSION

Applicant requests the deletion of Mary McKiernan as an inventor.

Petition under 37 CFR 1.497(d)

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) 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 occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

With respect to Item (1), Petitioner has provided a statement from inventor McKiernan

that any error in inventorship occurred without deceptive intention on her part. Item (1) is satisfied.

Applicant satisfied Item (2) above with the submission of the petition fee.

With regard to Item (3), it appears that an assignment to Cambridge Display Technology Limited was filed in this application. The Written Consent of the assignee consenting to the deletion Mary McKiernan as inventor in this application to correct the inventorship under 37 CFR 1.497(d)(3) was provided. Item (3) above is satisfied.

Accordingly, applicant has met all of the requirements to delete inventor McKiernan in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

CONCLUSION

The petition under 37 CFR 1.497(d) to delete inventor Mary McKiernan in the above-captioned application is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 15 April 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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MCDERMOTT, WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

MAILED
MAR 09 2011
PCT LEGAL ADMINISTRATION

In re Application of SUMMERFIELD :
U.S. Application No.: 13/056,118 :
PCT Application No.: PCT/AU2009/000920 : DECISION
Int. Filing Date: 21 July 2009 :
Priority Date Claimed: 21 July 2008 :
Attorney Docket No.: 050341-0055 :
For: VOICE AUTHENTICATION SYSTEMS AND METHODS :

This is in response to applicant's petition under 37 CFR 1.137(b) filed 26 January 2011.

BACKGROUND

On 21 July 2009, applicant filed international application PCT/AU2009/000920, which claimed priority of an earlier Australia application filed 21 July 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 28 January 2010. The thirty-month period for paying the basic national fee in the United States expired on 21 January 2011.

On 22 January 2011, international application PCT/AU2009/000920 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 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.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,127	01/27/2011	Kohei Teramoto	1163-0866PUS1	1216

2292 7590 06/02/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ISMAIL, SHAWKI SAIF	
ART UNIT	**PAPER NUMBER**
2819	
NOTIFICATION DATE	**DELIVERY MODE**
06/02/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of
TERAMOTO et al.
Application No.: 13/056,127
Filed: 27 January 2011
Attorney Docket No.: 1163-0866PUS1
For: SIGNAL TRANSMISSION DEVICE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 02 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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MAR 02 2011

PCT LEGAL ADMINISTRATION

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

In re Application of :
LAGERMAN, Mickael :
Application No.: 13/056,182 :
PCT No.: PCT/SE2006/000594 : DECISION ON PETITION
Int. Filing Date: 22 May 2006 : UNDER 37 CFR 1.137(b)
Priority Date: None :
Attorney Docket No.: P21515-US1 :
For: A METHOD AND A DEVICE FOR GAINING AND MAINTAINING CONTROL OF THE TRAFFIC FROM A RADIO BASE STATION IN A CELLULAR TELEPHONY SYSTEM :

The petition to revive under 37 CFR 1.137(b) filed 27 January 2011 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the 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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Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 095034-0102	Application Number (if known): 13/056,197	Filing date: 01/27/2011
First Named Inventor: Yuri Kokotov		
Title: PHOTOVOLTAIC SOLAR POWER GENERATION 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: _____

Signature /Keith D. Lindenbaum/	Date 01/27/2011
Name (Print/Typed) Keith D. Lindenbaum	Registration Number 40,365

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

☒ *Total of 1 forms are submitted.

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

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

Atty. Dkt. No. 095034-0102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	KOKOTOV et al.
Title:	PHOTOVOLTAIC SOLAR POWER GENERATION SYSTEM
Appl. No.:	13/056,197
Filing Date:	01/27/2011
Examiner:	Not Yet Assigned
Art Unit:	Not Yet Assigned
Confirmation Number:	1734

Statements of Special Status for the Eligibility Requirement for the Petition to Make Special Under the Green Technology Pilot Program

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

Sir:

Applicants provide the below statements of special status for the eligibility requirements to participate in the Green Technology Pilot Program for the above-identified application.

1. The basis for the special status is that the application relates to the development of renewable energy resources.

2. The application satisfies the materiality standard since the application relates to solar energy conversion into a usable form of energy, and more specifically to a solar power generation system.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this submission, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in

EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 27, 2011

By /Keith D. Lindenbaum/

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5772
Facsimile: (414) 297-4900

Keith D. Lindenbaum
Attorney for Applicants
Registration No. 40,365

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.
13/056,197	01/27/2011	Yuri Kokotov	095034-0102	1734

26371 7590 03/28/2011

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

EXAMINER	
ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
03/28/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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3/28/2011

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

In re Application of	:	
Kokotov et al.	:	DECISION ON PETITION
Application No. 13/056,197	:	TO MAKE SPECIAL UNDER
Filed: 1/27/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **095034-0102**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/27/2011, 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 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,209	04/15/2011	Claudia Kespy-Yahi	046190/400459	1855

826 7590 09/16/2011

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER	
ART UNIT	PAPER NUMBER
3715	

MAIL DATE	DELIVERY MODE
09/16/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

Applicant: Kespy-Yahi
Appl. No.: 13/056,209
Filing Date: April 15, 2011
Title: MUSICAL SYSTEM FOR WAKING YOUNG CHILDREN
Attorney Docket No.: 046190/400459
Pub. No.: US 2011/0189642 A1
Pub. Date: August 4, 2011

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

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

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

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant 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 complete 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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2000 MCGILL COLLEGE
SUITE 2200
MONTREAL QC H3A 3H3 CA **CANADA**

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of :
Guy Cloutier, et. al. :
Application No. 13/056,224 : DECISION ON PETITION
Filed: January 27, 2011 : TO WITHDRAW FROM
Attorney Docket No. 773/12810.349 : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed February 22, 2012.

The request is **APPROVED**.

The request was signed by Gwendoline Bruneau on behalf of herself and all the attorneys/agents associated with Customer Number 25545. Therefore, Gwendoline Bruneau and all the attorneys/agents associated with Customer Number 25545 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

All future communications from the Office will be directed to the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

cc: Centre Hospitalier de l'Universite de Montreal
3840 rue St-Urbain
Montreal, Quebec H2S 1E5
CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/056,224	01/27/2011	Guy Cloutier	773/12810.349

CONFIRMATION NO. 2016

POWER OF ATTORNEY NOTICE

25545
GOUDREAU GAGE DUBUC
2000 MCGILL COLLEGE
SUITE 2200
MONTREAL, QC H3A 3H3
CANADA

OC000000053118574

Date Mailed: 03/14/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2012.

- 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.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA, GA 30308-2216

MAILED
AUG 11 2011
PCT LEGAL ADMINISTRATION

In re Application of JOLLIFFE et al :
U.S. Application No.: 13/056,248 :
PCT Application No.: PCT/GB2009/001746 :
Int. Filing Date: 15 July 2009 :
Priority Date Claimed: 06 August 2008 : DECISION
Attorney Docket No.: RB69 :
For: CHEWABLE FORMULATION :
COMPRISING ALGINATE, :
BICARBONATE AND CARBONATE :

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 01 July 2011.

BACKGROUND

On 15 July 2009, applicant filed international application PCT/GB2009/001746, which claimed priority of an earlier United Kingdom application filed 06 August 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 11 February 2010. The thirty-month period for paying the basic national fee in the United States expired on 07 February 2011.

On 27 January 2011, 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 22 February 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 in compliance with 37 CFR 1.497 must be filed.

On 01 July 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,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Holly Parker refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Parker for signature that that she received such papers (see affidavit of

Danielle Milner, ¶¶2-4 and Exhibits G-I). Furthermore, the petition sufficiently illustrates that Parker refuses to sign. In particular, Parker's failure to return an executed declaration in response to the correspondence delivered to her constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Parker refuses to join in the application.

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

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

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 15 July 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 July 2011.

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

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Holly Parker
158 Celeborn Street
South Woodham Ferrers
Essex, CM3 7AW
UNITED KINGDOM

MAILED

AUG 11 2011

PCT LEGAL ADMINISTRATION

In re Application of JOLLIFFE et al
U.S. Application No.: 13/056,248
PCT Application No.: PCT/GB2009/001746
Int. Filing Date: 15 July 2009
Priority Date Claimed: 06 August 2008
For: CHEWABLE FORMULATION COMPRISING ALGINATE, BICARBONATE AND CARBONATE

Dear Holly Parker:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA, GA 30308-2216
Attorney Docket No.: RB69

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.
13/056,248	07/01/2011	Ian Jolliffe	RB69	2192

6980 7590 01/10/2012

TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA, GA 30308-2216

EXAMINER	
ART UNIT	PAPER NUMBER
1615	

NOTIFICATION DATE	DELIVERY MODE
01/10/2012	ELECTRONIC

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

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

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

jim.schutz@troutmansanders.com
patents@troutmansanders.com
ryan.schneider@troutmansanders.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

Applicant: Jolliffe et al.
Appl. No.: 13/056,248
Filing Date: July 1, 2011
Title: CHEWABLE FORMULATION COMPRISING ALGINATE, BICARBONATE AND CARBONATE
Attorney Docket No.: RB69
Pub. No.: US 2011/0287062 A1
Pub. Date: November 24, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 11, 2011, for the above-identified application.

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

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

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission.** In addition, the applicant has not provided a 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: 01/13/2012 KKING1
12/12/2011 INTEFSW 00007271 201507 13056248
01 FC:1504 300.00 CR

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JUN 29 2011

PCT LEGAL ADMINISTRATION

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

In re Application of :
YOSHINAGA et al. :
Application No.: 13/056,269 : DECISION
PCT No.: PCT/JP2009/063729 :
Int. Filing Date: 03 August 2009 :
Priority Date: 05 August 2008 :
Attorney's Docket No.: 09792909-7696 :
For: ORGANIC ELECTROLUMINESCENCE :
DEVICE AND DISPLAY APPARATUS :

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 23 March 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 03 August 2009, applicants filed international application PCT/JP2009/063729, which designated the U.S. and claimed a priority date of 05 August 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 February 2011 (05 February 2011 being a Saturday).

On 27 January 2011, applicants filed a submission for entry into the national stage in the United States. The submission did not include the U.S. Basic National Fee.

On 16 March 2011, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee within 30 months of the priority date.

On 23 March 2011, applicants filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;

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

As to item (1), the basic national fee was submitted on 23 March 2011.

As to item (2), applicants submitted the petition fee on 23 March 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
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

DLA PIPER US LLP
2000 Avenue of the Stars
SUITE 400 North Tower
LOS ANGELES CA 90067-4704

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of :
Ohta et al. :
Application No. 13/056,293 : ON PETITION
Filed: 05/09/2011 :
Attorney Docket No. 313876-000061 :

This is in response to the PETITION UNDER 37 CFR 1.84(A)(2) FOR ACCEPTANCE OF COLOR DRAWINGS IN THIS NON-PROVISIONAL APPLICATION filed in the United States Patent and Trademark Office (USPTO) on January 27, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners assert that color drawings are necessary because important features of actual scan images would be lost if in gray scale or black and white.

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented.

As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

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

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2878.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
SEP 30 2011
PCT LEGAL ADMINISTRATION

In re Application of LANAR et al :
U.S. Application No.: 13/056,298 :
PCT Application No.: PCT/US2009/049131 : DECISION
Int. Filing Date: 29 June 2009 :
Priority Date Claimed: 30 June 2008 :
Attorney Docket No.: MRMC.007NP :
For: MALARIA VACCINE OF SELF-ASSEMBLING POLYPEPTIDE NANOPARTICLES :

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 27 January 2011.

BACKGROUND

On 29 June 2009, applicant filed international application PCT/US2009/049131, which claimed priority of an earlier United States application filed 30 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 30 December 2010.

On 31 December 2010, international application PCT/US2009/049131 became abandoned as to the United States for failure to timely pay the basic national fee.

On 27 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.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Fanelli Haag PLLC
1909 K Street, N.W., Suite 1120
Washington DC 20006

MAILED

OCT 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Olaf Schulze et al.	:	
Application No. 13/056,337	:	DECISION ON PETITION
Filed: March 15, 2011	:	TO WITHDRAW
Attorney Docket No. 999300-0112	:	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 29, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record 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 under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 29 2011

PCT LEGAL ADMINISTRATION

27367
WESTMAN CHAMPLIN & KELLY, P.A.
Suite 1400
900 Second Avenue South
Minneapolis, MN 55402

In re Application of
HAAN *et al*
U.S. Application No.: 13/056,395
PCT No.: PCT/EP2009/059806
Int. Filing Date: 29 July 2009
Priority Date: 31 July 2008
Attorney Docket No.: P107.12-0004
For: PROCESS FOR THE CONTINUOUS PRODUCTION OF POLYESTERS

DECISION

This decision is in response to the petition to change the name of an inventor under 37 CFR 1.182 filed 19 May 2011.

BACKGROUND

On 24 February 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 19 May 2011, applicants filed a response to the Form PCT/DO/EO/905 which was accompanied by, *inter alia*, the subject petition, a $400.00 petition fee, a statement of the inventor whose name has changed, a copy of a marriage certificate, and an executed declaration.

On 19 July 2011, a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt were mailed noting that the completion date of all 35 U.S.C. 371 requirements was 19 May 2011.

DISCUSSION

A one-month extension fee of $130.00 is required for the response filed 19 May 2011. This fee has been charged to Deposit Account No. 23-1123 as authorized.

Applicants filed the subject petition under 37 CFR 1.182 to change the name of co-inventor, Sarah LANFRANCHI to Sarah BORER.

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicants provided a statement by the inventor whose name has changed which lists both names and indicates that the change was as a result of a marriage. A copy of the marriage certificate and the petition fee of $400.00 was provided.

This is sufficient for a grantable petition.

CONCLUSION

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

The name of the sixth-named inventor has been changed to Sarah BORER.

This application is being forwarded to the appropriate Art Unit for examination.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/056454	Filing date:	January 28, 2011
First Named Inventor:	Uwe Dittrich		
Title of the Invention:	Use of Polyorganosiloxanes in the Processing and Vulcanization of Rubber		

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/EP2009/005541

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

I. List of Required Documents:

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

☒ Is attached

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

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

☐ Is attached.

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

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

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

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/056454
First Named Inventor:	Uwe Dittrich

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
1-23	1-23	identical claims filed in both applications

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

Signature Tracy Bornman	Date 8/23/11
Name (Print/Typed) Tracy Bornman	Registration Number 42,347

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.
13/056,454	01/28/2011	Uwe Dittrich	42642	4084

23589 7590 11/10/2011

Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

EXAMINER	
NUTTER, NATHAN M	
ART UNIT	PAPER NUMBER
1765	
MAIL DATE	DELIVERY MODE
11/10/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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NOV 10 2011

BC

In re application of	:	DECISION ON REQUEST TO
Uwe Dittrich et al.	:	PARTICIPATE IN PATENT
Serial No. 13/056,454	:	PROSECUTION HIGHWAY
Filed: January 28, 2011	:	PROGRAM AND
Attorney Docket No: 42642	:	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 August 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the APO, IPA, JPO, KIPO, NBPR, NPI, EPO, Rospatent, IPOS, SPTO, PRV, UK IPO or USPTO;

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

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

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

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

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

product is not in the English language; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 13 2011

PCT LEGAL ADMINISTRATION

MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

In re Application of
MAHADEVAN-JANSEN et al
Application No.: 13/056,469
PCT No.: PCT/US2009/052304
Int. Filing Date: 30 July 2009
Priority Date: 30 July 2008
Attorney Docket No.: 14506-77502
For: INTRA-OPERATIVE USE OF FLUORESCENCE SPECTROSCOPY AND APPLICATIONS OF SAME

DECISION

The decision is in response to applicants' petition under 37 CFR 1.182 filed 09 August 2011.

BACKGROUND

On 30 July 2009, applicants filed international application PCT/US2009/052304 which designated the United States and claimed a priority date of 30 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 31 January 2011 (30 January 2011 being a Sunday).

On 28 January 2011, 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 14 April 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 in compliance with 37 CFR 1.497(a)-(b) was required.

On 14 June 2011, applicants filed a submission including, *inter alia*, a declaration of inventors.

On 13 July 2011, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed

14 June 2011 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in the name of the fifth inventor between the published international application and the declaration of inventors.

On 09 August 2011, applicants filed the instant submission which includes, *inter alia*, the instant petition under 37 CFR 1.182.

DISCUSSION

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

As to item (1), the petition fee has been paid.

With regard to item (2), the statement of Elizabeth Kanter Bartz is a statement setting forth both names (Elizabeth Kanter and Elizabeth Kanter Bartz) and the procedure (marriage) whereby the change of name was effected. The statement is accepted.

Declaration of Inventors

The declaration of inventors filed 14 June 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

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

/Daniel Stemmer/

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

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.
13/056,530	01/28/2011	Masaaki Orimoto	Q122215	4592

23373 7590 04/20/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
YE, LIN

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
04/20/2011	ELECTRONIC

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

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

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

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

In re Application of	:	
ORIMOTO, MASAAKI et al.	:	DECISION ON REQUEST TO
Application No. 13/056,530	:	PARTICIPATE IN PATENT
Filed: January 28, 2011	:	PROSECUTION HIGHWAY
Attorney Docket No. Q122215	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 11, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/056,555	Filing date:	January 28, 2011
First Named Inventor:	Christian BECK		
Title of the Invention:	ACTUATION MEANS FOR A ROTATABLY SUPPORTED FLAP IN AN AUTOMOBILE COMPRISING A PUSH-PUSH KINEMATICS		

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/IB2009/054697

The international filing date of the corresponding PCT application(s) is/are: October 23, 2009

I. List of Required Documents:

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

☒ Is attached

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

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

☒ Is attached.

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

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

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

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

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

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

(continued)

Application No.:	13/056,555
First Named Inventor:	Christian BECK

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 28, 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 28, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Substantially corresponding
2	2	Substantially corresponding
3	3	Substantially corresponding, dependent on claim 1
4	4	Substantially corresponding
5	5	Substantially corresponding
6	6	Substantially corresponding
7	7	Substantially corresponding
8	8	Substantially corresponding, dependent on claim 1
9	9	Substantially corresponding, dependent on claim 1
10	10	Substantially corresponding, dependent on claim 1
11	11	Substantially corresponding, dependent on claim 1
12	12	Substantially corresponding
13	13	Substantially corresponding
14	14	Substantially corresponding

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

Signature /Benjamin J. Hauptman/	Date 2011/06/14
Name (Print/Typed) Benjamin J. Hauptman	Registration Number 29,310

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 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.
13/056,555	01/28/2011	Christian Beck	713-2219 (22375)	4877

33712 7590 07/28/2011

LOWE, HAUPTMAN, HAM & BERNER, LLP (ITW)
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
3656	

MAIL DATE	DELIVERY MODE
07/28/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 28 2011

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

LOWE, HAUPTMAN, HAM & BERNER, LLP (ITW)
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re application of
Christian Beck
Application No. 13/056,555
Filed: June 14, 2011
For: ACTUATION MEANS FOR A ROTATABLY SUPPORTED FLAP IN AN AUTOMOBILE COMPRISING A PUSH-PUSH KINEMATICS

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

In light of the preliminary amendment filed on June 14, 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: 07/27/11

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

MAY 06 2011

PCT LEGAL ADMINISTRATION

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

In re Application of	:	
ISHII et al.	:	
Application No.: 13/056,573	:	DECISION ON RESPONSE
PCT No.: PCT/JP09/55714	:	
Int. Filing Date: 23 March 2009	:	TO NOTIFICATION OF
Priority Date: 08 January 2008	:	
Attorney Docket No.: 707616	:	MISSING REQUIREMENTS
For: PROCESS FOR PRODUCTION OF OPTICALLY ACTIVE COMPOUND	:	

This is a decision on applicant's Response to the Notification of Missing Requirements filed in the United States Patent and Trademark Office on 18 April 2011.

BACKGROUND

On 28 January 2011, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee.

On 17 February 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 18 April 2011, applicant responded to the Notification with an executed declaration. The declaration was executed by Yutaka Ishii, Shingo Iwashina, Takahiro Kawase, and Yumiko Matsui.

DISCUSSION

A review of the application file reveals that the given name of the fourth inventor as listed on the published international application is "Yumiko Hori." The declaration, filed on 28 January 2011, was signed by "Yumiko Matsui". The declaration also indicates that this is the married name for the inventor whose maiden name was Hori with the annotation "(Married name, formerly known by maiden name of Hori)". The declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration did not name the inventive entity identified in the

published international application.

As set forth in MPEP §1893.01(e), where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in a declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 is necessary to accept the declaration with the changed name. See MPEP §605.04(c). The petition must include an appropriate petition fee and a statement *signed by the inventor* setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

CONCLUSION

For the reasons, set forth above, the declaration of inventors submitted by applicant on 18 April 2011 is not in compliance with 37 CFR 1.497(a) and (b) and is unacceptable.

A petition under 37 CFR 1.182 is required. The application will be held in the PCT Legal Office to await applicant's further reply.

Applicant must respond within **ONE (1) MONTH** from the mail date of this decision or the time remaining in the Notification of Missing Requirements.

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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AUG 10 2011

PCT LEGAL ADMINISTRATION

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

In re Application of	:	
ISHII et al.	:	
Application No.: 13/056,573	:	DECISION ON PETITION
PCT No.: PCT/JP09/55714	:	
Int. Filing Date: 23 March 2009	:	UNDER 37 CFR 1.182
Priority Date: 08 January 2008	:	
Attorney Docket No.: 707616	:	
For: PROCESS FOR PRODUCTION OF OPTICALLY ACTIVE COMPOUND	:	

This is a decision on applicant's Petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 02 June 2011.

BACKGROUND

On 28 January 2011, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee.

On 17 February 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 18 April 2011, applicant responded to the Notification with an executed declaration. The declaration was executed by Yutaka Ishii, Shingo Iwashina, Takahiro Kawase, and Yumiko Matsui. On 06 May 2011, a decision, advising applicant that a petition under 37 CFR 1.182 to correct the inventorship was required, was mailed.

DISCUSSION

A review of the application file reveals that the given name of the fourth inventor as listed on the published international application is "Yumiko Hori." The declaration, filed on 28 January 2011, was signed by "Yumiko Matsui". The declaration also indicates that this is the married name for the inventor whose maiden name was Hori with the annotation "(Married name, formerly known by maiden name of Hori)". The declaration is not in compliance with 37

CFR 1.497(a) and (b) as the declaration did not name the inventive entity identified in the published international application.

To correct the inventor's name, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c). A review of the application file reveals that the given name of the applicant as listed on the published international application is "YUMIKO HORI". The declaration, filed on 18 April 2011, was signed by "YUMIKO MATSUI". Applicant submits a petition under 37 CFR 1.182 including a statement by the inventor YUMIKO HORI indicating that her name changed due to her marriage. Applicant paid the requisite $400 petition fee. The petition under 37 CFR 1.182 to change the respective inventor's name to YUMIKO MATSUI is granted. The declaration, submitted on 18 April 2011, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.182 to change the respective inventor's name to YUMIKO MATSUI is **GRANTED**. The declaration, submitted on 18 April 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 is18 April 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,620	01/28/2011	Hyun Soo Ko	2101-3930	5347

35884 7590 06/28/2011

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER	
ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
06/28/2011	ELECTRONIC

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

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

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

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of: KO, HYUN SOO et al.
Application No. 13/056620
Filed: January 28, 2011
For: METHOD FOR TRANSMITTING DATA IN MULTIPLE ANTENNA SYSTEM

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

MAILED

JUN 28 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 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 Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

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

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KR application(s);

b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

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

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

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

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

(7) For petitions to make special filed with a PPH request *on or after* May 25, 2010, the USPTO has eliminated the fee. Petitions to make special filed with a PPH request **prior** *to* May 25, 2010 will be treated under 37 CFR 1.102(d) and the petition fee set forth in 37 CFR 1.17(h) **will** be required. (see Fed. Reg. vol. 75, No. 100, dated 05/25/10).

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

Telephone inquiries concerning this decision should be directed to Aaron Strange at 571-272-3959.

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

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

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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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GREGORY SMITH & ASSOCIATES
3900 NEWPARK MALL ROAD, 3RD FLOOR
NEWARK CA 94560

MAILED
MAR 12 2012
PCT LEGAL ADMINISTRATION

In re Application of	:	
RINK et al.	:	
Application No.: 13/056,628	:	DECISION
PCT No.: PCT/US2009/004384	:	
International Filing Date: 28 July 2009	:	
Priority Date: 28 July 2008	:	
Attorney Docket No.: 231-002US	:	
For: MULTI-WAVELENGTH LASER AND METHOD FOR CONTACT ABLATIONS OF TISSUE	:	

This decision is in response to applicant's submission filed 18 January 2012.

BACKGROUND

On 28 January 2011, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter (Form PTO-1390). The international application number keyed into EFS-Web was PCT/US03/04384. However, the international application number appearing in the Transmittal Letter is PCT/US2009/004384.

On 05 May 2011, a Notification was issued indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above-stated error regarding the international application number was required.

On 05 July 2011, applicants submitted a petition under 37 CFR 1.182.

On 15 August 2011, a decision was issued granting applicants' petition under 37 CFR 1.182 requesting that the instant application be accepted as the national stage application under 35 U.S.C. 371 of international application PCT/US2009/004384.

On 20 October 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 the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 18 January 2012, applicants filed the instant submission which includes a petition/fee for a one-month extension of time and a declaration of inventors. The declaration is not signed by Mark H. K. CHIM but rather is signed by another joint inventor, Marilyn M. CHOU, on Mark CHIM's behalf as his "attorney-in-fact".

DECISION

The submission filed 18 January 2012 in effect requests that the declaration of inventors signed on behalf of Mark H. K. CHIM be accepted. However, there is no indication in the application file as to why Marilyn CHOU is signing on behalf of Mark CHIM. The reason must be indicated. For example, if Marilyn CHOU is signing on Mark CHIM's behalf because Mark CHIM is deceased or incapacitated, then 37 CFR 1.42 or 37 CFR 1.43, respectively, must be complied with.

CONCLUSION

For the reasons set forth above, the request to accept the declaration of inventors signed on behalf of Mark H.K. CHIM is **REFUSED**.

Applicant is required to submit a proper response within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRANTLEY SHUMAKER
SCHWABE WILLIAMSON & WYATT
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

MAILED
JUN 24 2011
PCT LEGAL ADMINISTRATION

In re Application of:
COVENTRY, ANDREW
PCT Application No.: PCT/AU2009/000964
US Application No.: 13/056,630
Int. Filing Date: 29 July 2009
Atty Docket No.: 123149-179706
For: MODULATOR

DECISION

This decision pertains to the filing of this application under 35 U.S.C. 371.

BACKGROUND

On 29 July 2009, applicants filed international application PCT/AU2009/000964, which claimed priority to an Australian patent application.

On 28 January 2011, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, a preliminary amendment to the specification. The papers were assigned U.S. application number 13/056,630.

On 05 April 2011, the United States Designated/Elected Office (DO/EO) mailed the Notice of Acceptance of Application Under 35 U.S.C 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) and a filing receipt to acknowledge the filing. The preliminary amendment to the specification indicated that the present application is a "...national stage entry of, and claims priority under 35 U.S.C. 120 to , International Patent Application NO. PCT/AU2009/000964..."

DISCUSSION

Any intended filing of an international application as a national stage application must clearly be identified as such and must satisfy all the conditions set forth in 35 U.S.C. 371(c).

Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a). 37 CFR 1.495(g). In addition, section 1893.03(a) of the Manual of Patent Examining Procedure states, in part:

> In accordance with the notice at 1077 O.G. 13 (14 April 1987) . . . if there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

A review of the subject application shows that "U.S. National Stage Under 35 USC 371" was indicated as application type on the Electronic Acknowledgement Receipt on 28 January 2011, the original submission date. However, the preliminary amendment to the specification, included with the initial national stage submission, indicated that the instant application to be an application that "claims priority under 35 U.S.C. 120 to, International Patent Application No. PCT/AU2009/000964...". The amendment is inconsistent with an intent to enter the U.S. national phase for PCT/AU2009/000964 and thus is considered conflicting instruction. Accordingly, the application will be treated as a filing under 35 U.S.C. 111(a).

CONCLUSION

For the reason above, the Notice of Acceptance of Application Under 35 U.S.C 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) and the filing receipt are hereby VACATED.

The application will be forwarded to the Office of Patent Application Processing for further processing in accordance to this decision.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Richard Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,635	01/28/2011	Hyun Soo Ko	2101-3931	5461

35884 7590 08/24/2011

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660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER	
FAN, CHIEH M	

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
08/24/2011	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):

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

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Commissioner for Patents
United States Patent and Trademark Office
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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of
KO et al.
Application No.: 13/056,635
Filed: 28 January 2011
Attorney Docket No.: 2101-3931
For: METHOD FOR TRANSMITTING DATA IN MULTIPLE ANTENNA SYSTEM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 08 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

   or

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

   or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

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

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

Lee W. Young
TQAS
Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,682	01/31/2011	Susumu Yoshida	IWI-34122	5988

7609 7590 07/25/2011

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

EXAMINER	
ART UNIT	PAPER NUMBER
1611	

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.

Best Available Copy

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RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

In re Application of	:	DECISION ON REQUEST TO
SUSUMU YOSHIDA	:	PARTICIPATE IN PATENT
Application No. 13/056,682	:	PROSECUTION HIGHWAY
Filed: January 31, 2011	:	PROGRAM AND PETITION
Attorney Docket No. IWI-34122	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

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

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

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JUN 13 2011

PCT LEGAL ADMINISTRATION

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of MANTOVAN et al.
Application No.: 13/056,693
PCT No.: PCT/EP09/58644
Int. Filing: 08 July 2009
Priority Date: 29 July 2008
Attorney Docket No.: 2008P20912
For: MACHINE FOR WINDING A WIRE FROM A ROLLING MILL INTO A COIL

: DECISION ON
: PETITION
: UNDER 37 CFR 1.47(a)

This is a decision on applicant's Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 24 March 2011.

BACKGROUND

On 18 February 2011, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period was required.

On 24 March 2011, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor REMO TIZIANI, alleging that the inventor refuses to sign the application.

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 non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant satisfied Item (1) with the payment of the petition fee.

With respect to Item (2), MPEP Section 409.03(d) II. Refusal to Join, states in pertinent part:

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

(Emphasis added.)

Here, the petition is accompanied by statements of first hand knowledge of Christina Rask Gerbino and Didier Capre. Mr. Capre states that he "personally handed the application papers including declaration and assignment to Mr. Remo Tiziani". His statement does not detail when the application was presented to Mr. Tiziani. Mr. Capre indicates that he was "informed that Remo Tiziani refuses to join in the patent application". But the details of Mr. Tiziani's refusal to sign the declaration were not related in either statement of personal knowledge. The requirements set forth above were not met. Item (2) is not yet satisfied.

Item (3) is not satisfied because a complete mailing address for Mr. Tiziani was not provided. The petition merely states the Italian city in which Mr. Tiziani resides. The address should be the last known address at which the inventor customarily receives mail. Ordinarily the last known address will be the last known residence of the nonsigning inventor. *See* MPEP 605.03.

Item (4) is satisfied as a declaration, in compliance with 37 CFR 1.497(a) and (b), and executed by the joint inventor on behalf of the nonsigning inventor, was provided.

Petitioner has not satisfied the requirements of 37 CFR 1.47(a). Item (2) and (3) above remain outstanding. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 17 2011

PCT LEGAL ADMINISTRATION

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of MANTOVAN et al.
Application No.: 13/056,693
PCT No.: PCT/EP09/58644
Int. Filing: 08 July 2009
Priority Date: 29 July 2008
Attorney Docket No.: 2008P20912
For: MACHINE FOR WINDING A WIRE FROM A ROLLING MILL INTO A COIL

: DECISION ON
: PETITION
:UNDER 37 CFR 1.47(a)

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 15 August 2011.

BACKGROUND

On 18 February 2011, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period was required.

On 24 March 2011, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor REMO TIZIANI, alleging that the inventor refuses to sign the application.

On 13 June 2011, a decision dismissing the petition was mailed indicating that details of Mr. Tiziani's refusal to sign the declaration were not related in a statement of personal knowledge.

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 non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his

or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1) and (4).

With respect to Item (2), Petitioner now submits the first hand statement of fact of Didier Capre indicating that on 14 February 2011, he "personally handed the application papers including declaration and assignment to Mr. Remo Tiziani" and Mr. Remo Tiziani "refuses to join in the patent application". This is sufficient factual proof to conclude that the non-signing inventor refuses to execute the application. Item (2) is satisfied.

Item (3) is satisfied with the submission of the last known address for Mr. Tiziani.

Item (2) and (3) are satisfied. Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 24 March 2011. The application has an international filing date of 08 July 2009 under 35 U.S.C. 363, and a date of 24 March 2011 under 35 U.S.C. 371©.

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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

REMO TIZIANI
21053 CASTELLANZA ITALY

MAILED

OCT 17 2011

PCT LEGAL ADMINISTRATION

In re Application of MANTOVAN et al.
Application No.: 13/056,693
PCT No.: PCT/EP09/58644
Int. Filing: 08 July 2009
Priority Date: 29 July 2008
Attorney Docket No.: 2008P20912
For: MACHINE FOR WINDING A WIRE FROM A ROLLING MILL INTO A COIL

Dear Mr. Tiziani:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
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LERNER GREENBERG STEMER LLP
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HOLLYWOOD FL 33022-2480

MAILED

JUN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of:
MANTOVAN et al.
Application No.: 13/056,712
PCT No.: PCT/EP2009/058643
Int. Filing Date: 08 July 2009
Priority Date: 29 July 2008
Attorney Docket No.: 2008P20913
For: IMPROVED MACHINE FOR WINDING A WIRE FROM A ROLLING MILL INTO A COIL

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 24 March 2011 to accept the application without the signature of joint-inventor, Remo TIZIANI.

BACKGROUND

On 08 July 2009, applicants filed international application PCT/EP2009/058643 which claimed a priority date of 29 July 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 31 January 2011.

On 31 January 2011, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 22 February 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 24 March 2011, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

Applicants claim that co-inventor Remo TIZIANI 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 presented to the nonsigning inventor. The documents provided to Remo TIZIANI included instructions to sign and return the declaration. Further, the subject petition noted that the documents were received by Remo TIZIANI. These materials provide the required firsthand statement regarding the presentation 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.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of two inventors and including an unsigned signature box identifying the nonsigning inventor (Remo TIZIANI). This declaration is treated as having been executed by the available inventor on his behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Remo TIZIANI under 37 CFR 1.47(a) at this time.

CONCLUSION

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

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

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Remo TIZIANI
21053 Castellanza
Italy

MAILED

JUN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of:
MANTOVAN et al.
Application No.: 13/056,712
PCT No.: PCT/EP2009/058643
Int. Filing Date: 08 July 2009
Priority Date: 29 July 2008
Attorney Docket No.: 2008P20913
For: IMPROVED MACHINE FOR WINDING A WIRE FROM A ROLLING MILL INTO A COIL

Dear Remo TIZIANI:

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

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13/056,716	Filing date:	January 31, 2011
First Named Inventor:	Byoung Hoon LEE		
Title of the Invention:	UBIQUITOUS MONITORING 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/KR2008/005539

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

PTO/SB/20PCT-KR (06-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	13/056,716
First Named Inventor:	Byoung Hoon LEE

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 31 January 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 31 January 2011

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

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

Signature /Kisuk Lee/	Date 31 January 2011
Name (Print/Typed) Kisuk Lee	Registration Number 66,861

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.
13/056,716	02/10/2011	Byoung Hoon Lee	15138-000023/US/NP	6230

28997 7590 04/12/2011
HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

EXAMINER	
ART UNIT	PAPER NUMBER
2857	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

In re Application of	**: DECISION ON REQUEST TO**
LEE et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 13/056,716	**: PROSECUTION HIGHWAY**
Filed: 10 February 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 15138-000023/US/NP	**: TO MAKE SPECIAL UNDER**
For: UBIQUITOUS MONITORING SYSTEM	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 31 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3-20-12 Paper No.: _____

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 13/056,716 Patent No.: 8065114

CofC mailroom date: 3-8-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

E Yang

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

/Jonathan C. Teixeira Moffat/ 2857

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3-20-12 Paper No.: _____

TO SPE OF : ART UNIT 2857

SUBJECT : Request for Certificate of Correction for Appl. No.: 13/056,716 Patent No.: 8065114

CofC mailroom date: 3-8-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

E Yang

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

/Jonathan C. Teixeira Moffat/ 2857

SPE **Art Unit**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Makoto Funabiki et al.	Confirmation No.: 6381
Application No.: 13/056,739	Group Art Unit: 3724
Filed/371 Date: March 24, 2011	Examiner: None Assigned
For: METHOD OF SHEARING THIN PLATE	Docket No: 7620-X11-029

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

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

To the Commissioner:

Applicants hereby request participation in the PCT-PPH Program and petition to make the above-identified application special under the PCT-PPH program.

The above-identified application is a national stage entry of PCT application PCT/JP2009/063694, filed on July 31, 2009.

Table of Contents for this Request and Accompanying Attachments

Request/Petition (3 pages)
Attachment A: Request Form (2 pages)
Attachment I. a.: Copy of the Written Opinion Issued in PCT/JP2009/063694 (6 pages)
Attachment I. a(t).: Copy of the English Translation of the Written Opinion (9 pages)
Attachment I. b.: List of the Claims with Status in the PCT/JP2009/063694 application (10 pages)
Attachment II.: Claims Correspondence Table (8 pages)

In order to participate in the PCT-PPH Program, an Applicant must provide specific supporting documents: a Request Form; a copy of the latest work product in the relevant PCT application (including an English translation, if necessary); a copy of all claims which were indicated as having novelty, inventive step, and industrial applicability in the relevant PCT application (including an English translation, if necessary); a statement verifying the accuracy of English translations; an information disclosure statement (IDS) listing the documents cited in the international work product; copies of the documents cited in the IDS; and a Table indicating correspondence between claims in the U.S. application and the PCT application.

Accordingly, Applicants provide the following documents herewith:

- a completed Request Form PTO/SB/20PCT-JP, Attachment A;

- a copy of the original Written Opinion issued in PCT/JP2009/063694 in the Japanese language, Attachment I. a;

- a copy of an English translation of the Written Opinion, Attachment I. a(t);

- a copy of all claims in the PCT application and their status as having novelty, inventive step, and/or industrial applicability, Attachment I. b; and

-a Claims Correspondence Table, Attachment II.

Additionally, Applicants note that the copy of all claims in the PCT application, presented in Attachment I. b, is an accurate English translation of the claims as originally presented in Japanese. This copy was obtained from our client who is proficient in Japanese and English.

An information disclosure statement (IDS), including copies of the documents cited, was filed in the U.S. application on January 31, 2011. Thus, an information disclosure statement (IDS) listing the documents cited in the Written Opinion is not provided.

In light of the foregoing remarks and attached documents, Applicants submit that all requirements for participation in PCT-PPH Program have been met and respectfully request that this Petition be granted and the application proceed to expedited prosecution on the merits.

If any questions remain regarding this Petition or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fees are believed to be due at this time. However, please charge any fee required (or credit any overpayment) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 7620-X11-029).

Respectfully submitted,

Paul D. Bianco, Reg. No. 43,500

Customer Number: 27317

FLEIT GIBBONS GUTMAN BONGINI & BIANCO
21355 East Dixie Highway
Suite 115
Miami, Florida 33180
305-830-2600 (telephone)
305-830-2605 (facsimile)
e-mail: pbianco@fggbb.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.
13/056,739	03/24/2011	Makoto Funabiki	7620-X11-029	6381

27317 7590 07/14/2011

Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

EXAMINER	
ART UNIT	PAPER NUMBER
3724	

MAIL DATE	DELIVERY MODE
07/14/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

In re Application of:	DECISION ON A REQUEST TO
FUNABIKI, MAKOTO	PARTICIPATE IN PCT/PATENT
Serial No.: 13/056739	PROSECUTION HIGHWAY
Filed: January 31, 2011	PROGRAM AND PETITION
Attorney Docket No. : 7620-X11-029	TO MAKE SPECIAL UNDER
Title: METHOD OF SHEARING THIN PLATE	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 6, 2011 to make the above-identified application special.

The request and petition are **dismissed.**

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

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

The request to participate in the PPH program and petition met all conditions except Items #3 above.

With regard to Items #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the PCT application. Although applicant's claim correspondence table in the petition is correct, there is a plurality of claims that were not found allowable in the PCT application. Specifically, claim 5 and 6 in the PCT application were found to lack novelty, while claims 5, 6, 21, 25, 26, 28, and 32 were found to lack inventive step. Claims 1-33 is the U.S. application are all still pending, thus only a portion of the claims in the U.S. application can be stated to be corresponding to the allowable claims in the PCT application. Furthermore, it should be noted that in U.S. claim 21, amending the word "die cutter" to "press roll" does not in itself create claim correspondence either, unless amending the word to "press roll" makes the claim substantially similar to another allowed PCT claim. Applicant is suggested to cancel the pending U.S. claims not found allowable in the PCT application—namely 5, 6, 21, 25, 26, 28, and 32—in order to comply with this requirement.

The 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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Makoto Funabiki et al.	Confirmation No.: 6381
Application No.: 13/056,739	Group Art Unit: 3724
Filed/371 Date: March 24, 2011	Examiner: None Assigned
For: METHOD OF SHEARING THIN PLATE	Docket No: 7620-X11-029

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

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

To the Commissioner:

In response to the Dismissal of Request and Petition, mailed on July 14, 2011, Applicants herein submit a renewed Request and Petition.

Applicants hereby request participation in the PCT-PPH Program and petition to make the above-identified application special under the PCT-PPH program.

The above-identified application is a national stage entry of PCT application PCT/JP2009/063694, filed on July 31, 2009.

Table of Contents for this Request and Accompanying Attachments

Request/Petition (5 pages)
Attachment A: Copy of Decision on the Request Mailed July 14, 2011 (3 pages)
Attachment B: Revised Claims Correspondence Table (8 pages)

Applicants filed an initial Request to Participate in the PPH Program and Petition on July 6, 2011.

A grantable request to participate in the PCT-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 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(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 PCT Examiner in the international work product along with copies of documents except U.S. Patents or U.S. Patent Application Publications.

A Decision on the Request to Participate in PCT/Patent Prosecution Highway Program and Petition to Make Special under 35 C.F.R. §1.102(a) was issued by Special Programs Examiner Henry C. Yuen on July 14, 2011. A copy of the Decision is attached hereto as Attachment A.

The initial Request to Participate in the PPH Program and Petition was found to meet all conditions necessary for participation with the exception of item #3 above.

Specifically, the Decision stated, *inter alia*, the following:

With regard to Items #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the PCT application. Although applicant's claim correspondence table in the petition is correct, there is a plurality of claims that were not found allowable in the PCT application. Specifically, claim 5 and 6 in the PCT application were found to lack novelty, while claims 5, 6, 21, 25, 26, 28, and 32 were found to lack inventive step. Claims 1-33 in the U.S. application are still pending, thus only a portion of the claims in the U.S. application can be stated to be corresponding to the allowable claims in the PCT application. Furthermore, it should be noted that in U.S. claim 21, amending the word "die cutter" to "press roll" does not in itself create claim correspondence either, unless amending the word to "press roll" makes the claim substantially similar to another allowed PCT claim. Applicant is suggested to cancel the pending U.S. claims not found allowable in the PCT application-namely 5, 6, 21, 25, 26, 28, and 32-in order to comply with this requirement.

Accordingly, Applicants provide the following documents herewith:

- a Second Preliminary Amendment, and

-a Revised Claims Correspondence Table, Attachment B.

The Second Preliminary Amendment cancels claims 5, 6, and 21-33 and the Revised Claims Correspondence Table reflects the claim cancellations made (in the Second Preliminary Amendment).

The remaining pending claims in the U.S. application, claims 1-4 and 7-20, correspond to the allowed claims in the PCT application.

In light of the foregoing remarks and attached documents, Applicants submit that the deficiencies with regard to Item #3 have been corrected and thus, all requirements for participation in PCT-PPH Program have now been met.

Accordingly, Applicants respectfully request that this Renewed Petition be granted and the application proceed to expedited prosecution on the merits.

If any questions remain regarding this Renewed Petition or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fees are believed to be due at this time. However, please charge any fee required (or credit any overpayment) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 7620-X11-029).

Respectfully submitted,

/Paul D. Bianco

Paul D. Bianco, Reg. No. 43,500

Customer Number: 27317
FLEIT GIBBONS GUTMAN BONGINI & BIANCO
21355 East Dixie Highway
Suite 115
Miami, Florida 33180
305-830-2600 (telephone)
305-830-2605 (facsimile)
e-mail: pbianco@fggbb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,739	03/24/2011	Makoto Funabiki	7620-X11-029	6381

27317 7590 09/26/2011

Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

EXAMINER	
ART UNIT	PAPER NUMBER
3724	

MAIL DATE	DELIVERY MODE
09/26/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

In re Application of
FUNABIKI, MAKOTO , et al.
Application No. 13/056,739
Filed: April 24, 2011
Attorney Docket No. 7620-X11-029
For: METHOD OF SHEARING THIN PLATE

DECISION ON REQUEST TO PARTICIPATE IN PATENT PCT/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 August 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. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Boyer Ashley, SPE of Art Unit 3724, and 571-272-4502 for Class 083 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 15 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
NYBERG, Janice M.	:	
Application No.: 13/056,749	:	DECISION ON
PCT No.: PCT/US2008/059762	:	
Int. Filing Date: 09 April 2008	:	PETITION UNDER
Priority Date: 11 April 2007	:	
Attorney Docket No.: 20425-0050US1	:	37 CFR 1.137(b)
For: STABILIZATION OF CHLOROPROPENES	:	

This decision is in response to applicant's submission filed 31 January 2011.

BACKGROUND

On 09 April 2008, applicant filed international application PCT/US2008/059762 which designated the U.S. and claimed a priority date of 11 April 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 October 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 October 2009 (11 October 2009 being a Sunday and 12 October 2009 being a Federal holiday).

On 31 January 2011, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. basic national fee, a declaration of the inventor, and a petition under 37 CFR 1.137(b).

DISCUSSION

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

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

As to item (1), applicant submitted the basic national fee on 31 January 2011.

As to item (2), applicant submitted the petition fee on 31 January 2011.

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

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

The declaration of the inventor filed 31 January 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Lempia Summerfield Katz LLC (Graco)
One North LaSalle Street
Suite 2900
Chicago IL 60602

MAILED

JUL 19 2011

PCT LEGAL ADMINISTRATION

In re Application of :
GRINTZ, et al. :
U.S. Application No.: 13/056,756 : DECISION ON PETITION
PCT No.: PCT/US2009/052614 : UNDER 37 CFR 1.182
International Filing Date: 03 August 2009 :
Priority Date: 01 August 2008 :
Attorney's Docket No.: 10000-08 GRA-05A :
For: STORAGE LATCH AND REVERSIBLE :
HANDLE FOR A STROLLER :

This decision is issued in response to applicants' "Response to Notification of Missing Requirements" filed on 25 April 2011 which is being treated as a Petition under 37 CFR 1.182, as explained below. The response (petition) seeks to correct the name of record for the inventor Todd Grintz (as listed on the international application) to Joseph Todd Grintz (as listed on the declaration filed 25 April 2011).

BACKGROUND

On 03 August 2009, applicants filed international application PCT/US2009/052614 and claimed a priority date of 01 August 2008. The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 03 February 2011.

On 31 January 2011, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee and an Application Data Sheet (ADS).

On 25 February 2011, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 25 April 2011, applicants filed the response considered herein including a signed declaration and power of attorney listing as the inventors in the application: Joseph Todd Grintz and Michael A. Dotsey. The published international application identifies the first inventor as Todd Grintz. This name is also listed on the ADS filed 31 January 2011.

DISCUSSION

As detailed above, in the published international application, the first inventor was identified as Todd Grintz. On the declaration filed 31 January 2011, this inventor was identified as Joseph Todd Grintz. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

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

In that this is clearly more than a mere typographical error or a phonetic misspelling of applicant's given name on the published international application, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition requires payment of the applicable $400 petition fee and statements from the inventor and any other person(s) having firsthand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.[1]

Applicants' present petition does not include payment of the required petition fee nor the required statement from the inventor confirming his correct name and indicating that the listing of Todd Grintz on the international application occurred without deceptive intent. Accordingly, on the present record, correction of the name of the first inventor from Todd Grintz to Jospeh Todd Grintz is not appropriate. The declaration filed 25 April 2011 therefore is defective for failure to properly identify the inventor of record herein.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

Any request for reconsideration on the merits must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response must include the

[1] It is noted that, if the inventor's name has actually changed since the filing of the international application, then MPEP section 605.04(c) requires "a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order."

statement required for a grantable petition under 37 CFR 1.182 regarding the change of the inventor's name. Failure to file a proper response in a timely manner will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Lempia Summerfield Katz LLC (Graco)
One North LaSalle Street
Suite 2900
Chicago IL 60602

MAILED

OCT 12 2011

PCT LEGAL ADMINISTRATION

In re Application of :
GRINTZ, et al. :
U.S. Application No.: 13/056,756 : DECISION ON PETITION
PCT No.: PCT/US2009/052614 : UNDER 37 CFR 1.182
International Filing Date: 03 August 2009 :
Priority Date: 01 August 2008 :
Attorney's Docket No.: 10000-08 GRA-05A :
For: STORAGE LATCH AND REVERSIBLE :
HANDLE FOR A STROLLER :

This decision is in response to applicant's renewed petition under 37 CFR 1.182 filed 14 September 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 19 July 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 14 September 2011, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 25 March 2011, The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The present petition is accompanied by a signed statement from inventor Joseph

Todd Grintz detailing the discrepancies between the name on the filed international application and declaration and confirming that his correct name is that which appears on the executed declaration filed 25 April 2011. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is **25 April 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/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:	13/056,767	Filing date:	January 31, 2011
First Named Inventor:	Kota Iwamoto		
Title of the Invention:	FEATURE SELECTION DEVICE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2010/000246

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

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 PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/056,767
First Named Inventor:	Kota Iwamoto

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 January 31, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
		SEE ATTACHED CLAIM CORRESPONDENCE TABLE

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

Signature /J. Warren Lytle, Jr./	Date March 24, 2011
Name (Print/Typed) J. Warren Lytle, Jr.	Registration Number 39,283

Privacy Act Statement

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

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

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

Claims Correspondence Table			
Application No.:	13/056,767	First Named	Kota Iwamoto
Confirmation No.:	6663	Group Art Unit:	
		Examiner:	
Filing Date:	January 31, 2011	Attorney Docket	Q122704
Title of the Invention:	FEATURE SELECTION DEVICE		

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claim 1 of the US application is the same as patentable claim 1 of the corresponding PCT Application.
2	2	Claim 2 of the US application is the same as patentable claim 2 of the corresponding PCT Application
3	3	Claim 3 of the US application is the same as patentable claim 3 of the corresponding PCT Application, except the multiple dependencies have been removed.
4	4	Claim 4 of the US application is the same as patentable claim 4 of the corresponding PCT Application, except the multiple dependencies have been removed.
5	5	Claim 5 of the US application is the same as patentable claim 5 of the corresponding PCT Application, except the multiple dependencies have been removed.
6	6	Claim 6 of the US application is the same as patentable claim 6 of the corresponding PCT Application
7	7	Claim 7 of the US application is the same as patentable claim 7 of the corresponding PCT Application, except the multiple dependencies have been removed.
8	8	Claim 8 of the US application is the same as patentable claim 8 of the corresponding PCT Application, except a typographical error has been corrected.
9	9	Claim 9 of the US application is the same as patentable claim 9 of the corresponding PCT Application, except the multiple dependencies have been removed.
10	10	Claim 10 of the US application is the same as patentable claim 10 of the corresponding PCT Application.
11	11	Claim 11 of the US application is the same as patentable claim 11 of the corresponding PCT Application.
12	12	Claim 12 of the US application is the same as patentable claim 12 of the corresponding PCT Application, except the multiple dependencies have been removed.
13	13	Claim 13 of the US application is the same as patentable claim 13 of the corresponding PCT Application.

14	14	Claim 14 of the US application is the same as patentable claim 14 of the corresponding PCT Application.
15	15	Claim 15 of the US application is the same as patentable claim 15 of the corresponding PCT Application, except the multiple dependencies have been removed.
16	16	Claim 16 of the US application is the same as patentable claim 16 of the corresponding PCT Application, except the multiple dependencies have been removed.
17	17	Claim 17 of the US application is the same as patentable claim 17 of the corresponding PCT Application, except the multiple dependencies have been removed.
18	18	Claim 18 of the US application is the same as patentable claim 18 of the corresponding PCT Application.
19	19	Claim 19 of the US application is the same as patentable claim 19 of the corresponding PCT Application, except the multiple dependencies have been removed.
20	20	Claim 20 of the US application is the same as patentable claim 20 of the corresponding PCT Application, except the dependency has been changed.
21	21	Claim 21 of the US application is the same as patentable claim 21 of the corresponding PCT Application, except the multiple dependencies have been removed.
22	22	Claim 22 of the US application is the same as patentable claim 22 of the corresponding PCT Application.
23	23	Claim 23 of the US application is the same as patentable claim 23 of the corresponding PCT Application.
24	24	Claim 24 of the US application is the same as patentable claim 24 of the corresponding PCT Application, except the multiple dependencies have been removed.
25	25	Claim 25 of the US application is the same as patentable claim 25 of the corresponding PCT Application.
All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.		

Signature: /J. Warren Lytle, Jr./	Date: March 24, 2011
Name: (Print/Typed) J. Warren Lytle, Jr.	Registration Number: 39,283

STATEMENT

I, Motohiro BABA of BABA International Patent Office, 2nd Fl., Ishii Bldg., 25-1, Sugawara-machi, Kawagoe-shi, Saitama, 350-0046, JAPAN hereby state that I am conversant in both the Japanese and English languages and certify to the best of my knowledge and belief that the attached is a true and accurate translation of claims of PCT Application No. PCT/JP2010/000246 as of the date of the latest international work product, a WO/ISA of February 16, 2010.

Signature:

Motohiro BABA

Dated: Dec 14, 2010

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

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

(PCT Rule 44.1)

	Date of mailing *(day/month/year)* 16. 02. 2010
Applicant's or agent's file reference N00053WO	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/JP2010/000246	International filing date *(day/month/year)* 19. 01. 2010
Applicant NEC Corporation	

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

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

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

   For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 – 9.011.

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

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

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

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

4. **Reminders**

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

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

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

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

   For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/ Japanese Patent Office	Authorized officer
Facsimile No.	Telephone No.

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
馬場資博　様

あて名
〒350-0046
日本国埼玉県川越市菅原町２５番地１　石井ビル２階

PCT

国際調査報告及び国際調査機関の見解書
又は国際調査報告を作成しない旨の決定
の送付の通知書
（法施行規則第41条）
［ＰＣＴ規則44.1］

	発送日 （日.月.年）　１６．０２．２０１０
出願人又は代理人 の書類記号　N00053WO	今後の手続きについては、下記１及び４を参照。
国際出願番号 ＰＣＴ／ＪＰ２０１０／０００２４６	国際出願日 （日.月.年）　１９．０１．２０１０
出願人（氏名又は名称） 日本電気株式会社	

１．☑ 国際調査報告及び国際調査機関の見解書が作成されたこと、及びこの送付書とともに送付することを、出願人に通知する。

ＰＣＴ19条の規定に基づく補正書及び説明書の提出
出願人は、国際出願の請求の範囲を補正することができる（ＰＣＴ規則46参照）。
いつ　補正書の提出期間は、通常国際調査報告の送付の日から２月である。
どこへ　直接次の場所へ　The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: +41 22 338 82 70
詳細な手続については、添付用紙の備考を参照すること。

２．☐ 国際調査報告が作成されないこと、及び法第8条第2項（ＰＣＴ17条(2)(a)）の規定による国際調査報告を作成しない旨の決定及び国際調査機関の見解書をこの送付書とともに送付することを、出願人に通知する。

３．☐ 法施行規則第44条（ＰＣＴ規則40.2）に規定する追加手数料の納付に対する異議の申立てに関して、出願人に下記の点を通知する。
☐ 異議の申立てと当該異議についての決定を、その異議の申し立てと当該異議についての決定の両方を指定官庁へ送付することを求める出願人の請求とともに、国際事務局へ送付した。
☐ 当該異議についての決定は、まだ行われていない。決定されしだい出願人に通知する。

４．今後の手続：　出願人は次の点に注意すること。
優先Ｅから１８月経過後、国際出願は国際事務局によりすみやかに国際公開される。出願人が公開の延期を望むときは、国際出願又は優先権の主張の取下げの通知がＰＣＴ規則90の2.1及び90の2.3にそれぞれ規定されているように、国際公開の事務的な準備が完了する前に国際事務局に到達しなければならない。
いくつかの指定官庁については、出願人が国内段階の開始を優先日から３０月まで（官庁によってはさらに遅くまで）延期することを望むときは、優先日から１９月以内に、国際予備審査の請求書が提出されなければならない。そうでなければ、出願人はそれらの指定官庁に対して優先日から２０月以内に、国内段階の開始のための所定の手続を取らなければならない。
その他の指定官庁については、１９月以内に国際予備審査の請求書が提出されない場合にも、３０月の（あるいはさらに遅い）期限が適用される。
様式PCT/IB/301の付属書類を参照。個々の指定官庁で適用される期限の詳細については、ＰＣＴ出願人の手引、第Ⅱ巻、国内段階およびＷＩＰＯインターネットサイトを参照。

名称及びあて名 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	権限のある職員　5H　9749 特　許　庁　長　官 電話番号　０３－３５８１－１１０１　内線　３５３１

様式ＰＣＴ／ＩＳＡ／２２０　（２００４年１月）　（添付用紙を参照）

注　　意

1．国際調査報告の発送日から起算する条約第19条（1）及び規則46.1に従う国際事務局への補正期間に注意してください。

2．条約22条（2）に規定する期間に注意してください。

3．法律又は契約等の制限により、国際調査報告に記載した非特許文献の写しの一部又は全てが送付されない場合があります。

4．文献の写しの請求について

国際調査報告に記載した文献の複写

特許庁にこれらの引用文献の写しを請求することもできますが、独立行政法人工業所有権情報・研修館（特許庁庁舎２階）で公報類の閲覧・複写および公報以外の文献複写等の取り扱いをしています。

〔担当及び照会先〕

〒１００－００１３　東京都千代田区霞が関３丁目４番３号（特許庁庁舎２階）
独立行政法人工業所有権情報・研修館
【公 報 類】　閲覧部　ＴＥＬ　03－3581－1101　内線3811～2
【公報以外】　資料部　ＴＥＬ　03－3581－1101　内線3831～3

また、（財）日本特許情報機構でも取り扱いをしています。
これらの引用文献の複写を請求する場合は下記の点に注意してください。

〔申込方法〕

（１）特許（実用新案・意匠）公報については、下記の点を明記してください。
○特許・実用新案及び意匠の種類
○出願公告又は出願公開の年次及び番号（又は特許番号、登録番号）
○必要部数

（２）公報以外の文献の場合は、下記の点に注意してください。
○国際調査報告の写しを添付してください（返却します）。

〔申込み及び照会先〕

〒１３５－００１６　東京都江東区東陽４－１－７　佐藤ダイヤビルディング
財団法人　日本特許情報機構　情報業務部業務課
ＴＥＬ　０３－３５０８－２３１３

注意　特許庁に対して文献の写しの請求をすることができる期間は、国際出願日から７年です。

様式ＰＣＴ／ＩＳＡ／２２０の備考

この備考は、ＰＣＴ19条の規定に基づく補正書の提出に関する基本的な指示を与えるためのものである。この備考は特許協力条約並びにこの条約に基づく規則及び実施細則の規定に基づいている。この備考とそれらの規定とが相違する場合には、後者が適用される。詳細な情報については、ＷＩＰＯの出版物であるＰＣＴ出願人の手引も参照すること。

ＰＣＴ19条の規定に基づく補正書の提出に関する指示

出願人は、国際調査報告及び国際調査機関の見解書を受領した後、国際出願の請求の範囲を補正する機会が一回ある。しかし、国際出願のすべての部分（請求の範囲、明細書及び図面）が、国際予備審査の手続においても補正できるもので、例えば出願人が仮保護のために補正書を公開することを希望する場合又は国際公開前に請求の範囲を補正する別の理由がある場合を除き、通常ＰＣＴ19条の規定に基づく補正書を提出する必要はないことを強調しておく。さらに、仮保護は一部の国のみで与えられるだけであることも強調しておく（ＰＣＴ出願人の手引、附録Ｂ１及びＢ２参照）。

補正の対象となるもの

ＰＣＴ19条の規定により請求の範囲のみ補正することができる。
国際段階においてＰＣＴ34条の規定に基づく国際予備審査の手続きにおいて請求の範囲を（更に）補正することができる。
明細書及び図面は、ＰＣＴ34条の規定に基づく国際予備審査の手続においてのみ補正することができる。
国内段階に移行する際、ＰＣＴ28条（又はＰＣＴ41条）の規定により、国際出願のすべての部分を補正することができる。

いつ

国際調査報告の送付の日から２月又は優先日から１６月の内どちらか遅く満了するほうの期間内。しかし、その期間の満了後であっても国際公開の技術的な準備の完了前に国際事務局が補正を受領した場合には、その補正書は、期間内に受理されたものとみなすことを強調しておく（ＰＣＴ規則46.1）。

補正書を提出すべきところ

補正書は、国際事務局のみに提出でき、受理官庁又は国際調査機関には提出してはいけない（ＰＣＴ規則46.2）。
国際予備審査の請求書を提出した／する場合については、以下を参照すること。

どのように

１以上の請求の範囲の削除、１以上の新たな請求の範囲の追加、又は１以上の請求の範囲の記載の補正による。
差替え用紙は、補正の結果、出願当初の用紙と相違する請求の範囲の各用紙毎に提出する。
差替え用紙に記載されているすべての請求の範囲には、アラビア数字を付さなければならない。請求の範囲を削除する場合、その他の請求の範囲の番号を付け直す必要はない。請求の範囲の番号を付け直す場合には、連続番号で付け直さなければならない（ＰＣＴ実施細則第205号(b)）。
補正は国際公開の言語で行う。

補正書にどのような書類を添付しなければならないか

書簡（ＰＣＴ実施細則第205号(b)）

補正書には書簡を添付しなければならない。
書簡は国際出願及び補正された請求の範囲とともに公開されることはない。これを「ＰＣＴ19条(1)に規定する説明書」と混同してはならない（「ＰＣＴ19条(1)に規定する説明書」については、以下を参照）。
書簡は、英語又は仏語を選択しなければならない。ただし、国際出願の言語が英語の場合、書簡は英語で、仏語の場合、書簡は仏語で記載しなければならない。
書簡には、出願時の請求の範囲と補正された請求の範囲との相違について表示しなければならない。特に、国際出願に記載した各請求の範囲との関連で次の表示（２以上の請求の範囲についての同一の表示する場合は、まとめることができる。）をしなければならない。

(i)　この請求の範囲は変更しない。
(ii)　この請求の範囲は削除する。
(iii)　この請求の範囲は追加である。
(iv)　この請求の範囲は出願時の１以上の請求の範囲と差し替える。
(v)　この請求の範囲は出願時の請求の範囲の分割の結果である。

次に、添付する書簡中での、補正についての説明の例を示す。

１．［請求の範囲の一部の補正によって請求の範囲の項数が４８から５１になった場合］：
“請求の範囲１－２９、３１、３２、３４、３５、３７－４８項は、同じ番号のもとに補正された請求の範囲と置き換えられた。請求の範囲３０、３３及び３６項は変更なし。新たに請求の範囲４９－５１項が追加された。”

２．［請求の範囲の全部の補正によって請求の範囲の項数が１５から１１になった場合］：
“請求の範囲１－１５項は、補正された請求の範囲１　１１項に置き換えられた。”

３．［原請求の範囲の項数が１４で、補正が一部の請求の範囲の削除と新たな請求の範囲の追加を含む場合］：
“請求の範囲１－６及び１４項は変更なし。請求の範囲７－１３は削除。新たに請求の範囲１５、１６及び１７項を追加。”又は
“請求の範囲７－１３は削除。新たに請求の範囲１５、１６及び１７項を追加。その他の全ての請求の範囲は変更なし。”

４．［各種の補正がある場合］：
“請求の範囲１－１０項は変更なし。請求の範囲１１－１３、１８及び１９項は削除。請求の範囲１４、１５及び１６項は補正された請求の範囲１４項に置き換えられた。請求の範囲１７項は補正された請求の範囲１５、１６及び１７項に分割された。新たに請求の範囲２０及び２１項が追加された。”

“ＰＣＴ19条(1)の規定に基づく説明書”（ＰＣＴ規則46.4）

補正書には、補正並びにその補正が明細書及び図面に与える影響についての説明書を提出することができる（明細書及び図面はＰＣＴ19条(1)の規定に基づいては補正できない）。

説明書は、国際出願及び補正された請求の範囲とともに公開される。

説明書は、国際公開の言語で作成しなければならない。

説明書は、簡潔でなければならず、英語の場合又は英語に翻訳した場合に５００語を越えてはならない。

説明書は、出願時の請求の範囲と補正された請求の範囲との相違を示す書簡と混同してはならない。説明書を、その書簡に代えることはできない。説明書は別紙で提出しなければならず、見出しを付すものとし、その見出しは“ＰＣＴ19条(1)の規定に基づく説明書”の語句を用いることが望ましい。

説明書には、国際調査報告又は国際調査報告に列記された文献との関連性に関して、これらを誹謗する意見を記載してはならない。国際調査報告に列記された特定の請求の範囲に関連する文献についての言及は、当該請求の範囲の補正に関してのみ行うことができる。

国際予備審査の請求書が提出されている場合

ＰＣＴ19条の規定に基づく補正書及び添付する説明書の提出の時に国際予備審査の請求書が既に提出されている場合には、出願人は、補正書（及び説明書）を国際事務局に提出すると同時にその写し及び必要な場合、その翻訳文を国際予備審査機関にも提出することが望ましい（ＰＣＴ規則55.3(a)、62.2の第１文を参照）。詳細は国際予備審査請求書（ＰＣＴ／ＩＰＥＡ／４０１）の注意書参照。

国際予備審査の請求がされた場合は、見解書を作成した国際調査機関が国際予備審査機関としては行動しないという特定の場合を除いて、国際調査機関の見解書は国際予備審査機関の見解書とみなされる。この場合、様式ＰＣＴ／ＩＳＡ／２２０の送付日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる（ＰＣＴ規則43の2.1(c)）。

国内段階に移行するための国際出願の翻訳に関して

国内段階に移行する際、ＰＣＴ19条の規定に基づいて補正された請求の範囲の翻訳を出願時の請求の範囲の翻訳の代わりに又は追加して、指定官庁／選択官庁に提出しなければならないこともあるので、出願人は注意されたい。

指定官庁／選択官庁の詳細な要求については、ＰＣＴ出願人の手引きの第Ⅱ巻を参照。

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)*	16. 02. 2010
Applicant's or agent's file reference: N00053WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/000246	19. 01. 2010	29. 01. 2009

International Patent Classification (IPC) or both national classification and IPC
Int.Cl. G06T7/00(2006.01)i

Applicant
NEC Corporation

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
Japanese Patent Office	03. 02. 2010	
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000246

Box No. I Basis of this opinion

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

   [X] the international application in the language in which it was filed.

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

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

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

   a. (means)

      [ ] on paper

      [ ] in electronic form

   b. (time)

      [ ] in the international application as filed

      [ ] together with the international application in electronic form

      [ ] subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000246

Box No. II Priority

1. ☐ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000246

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

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

☐ the entire international application.

☐ claims Nos. _____

because:

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

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

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

☐ no international search report has been established for said claims Nos. _____

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

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

☐ See Supplemental Box for further details.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000246

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:

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.
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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	1-25	YES
	Claims		NO
Inventive step (IS)	Claims	1-25	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-25	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2002-142094A (TOSHIBA CORP.) 17 May, 2002
[0001]-[0024]
& US 2002/0071593 A1 & US 2006/0120561 A1

Document 2 : JP 2008-158776A (CANON INC)
10 July, 2008 [0011]-[0042], [0046]
& US 2008/0212098 A1

Document 3 : WO 2006/129551 A1 (NEC CORP.) 07 December, 2006
Full text; all drawings
& JP2006-338092 A & US 2009/0087036 A1
& CN 101189640 A

The present invention disclosed in Claims 1-25 of this application is not described in any of the cited references in the International Search Report as well as it is not obvious to a person having ordinary skill in the art.
The cited reference 1 discloses the device for electronic watermark embedding which is hard to be altered.
In addition, the cited references 2 and 3 disclose the art concerning device having a learning/selecting function using an altered image.
However, any of the cited references does not disclose the discrimination capability plus evaluation of value of features wherein "the robustness which is a degree that a value of a feature does not vary due to the alteration process" is applied to an image as evaluation criteria and thereby the value of features having the robustness is selected.
Therefore, the present invention disclosed in Claims 1-25 of this application brings an advantageous result which realizes the selection of value of features having the robustness.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000246

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)*

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)*

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000246

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The description "For example,……on the Intenet" in the paragraph [0023] is a clerical error of "For example,……on the Internet".

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000246

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:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000246

Supplemental Box

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

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
馬場資博　様

あて名
〒350-0046
日本国埼玉県川越市菅原町２５番地１　石井ビル２階

ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
［ＰＣＴ規則43の2.1］

出願人又は代理人の書類記号　N00053WO	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２０１０／０００２４６	（日.月.年）　１９．０１．２０１０	（日.月.年）　２９．０１．２００９

発送日
（日.月.年）　１６．０２．２０１０

国際特許分類（ＩＰＣ）Int.Cl. G06T7/00(2006.01)i

出願人（氏名又は名称）
日本電気株式会社

１．この見解書は次の内容を含む。

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

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

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

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
０３．０２．２０１０

名称及びあて先
日本国特許庁（ＩＳＡ／ＪＰ）
郵便番号１００－８９１５
東京都千代田区霞が関三丁目４番３号

特許庁審査官（権限のある職員）　５Ｈ　９７４９
松尾　俊介
電話番号　０３－３５８１－１１０１　内線　３５３１

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０００２４６

第Ⅰ欄　見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である＿＿＿＿＿＿＿＿語に翻訳された、この国際出願の翻訳文

（ＰＣＴ規則12.3(a)及び23.1(b)）

2．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a．タイプ　☐ 配列表

☐ 配列表に関連するテーブル

b．フォーマット　☐ 紙形式

☐ 電子形式

c．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号 ＰＣＴ／ＪＰ２０１０／０００２４６

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	1-25	有
	請求項		無
進歩性（ＩＳ）	請求項	1-25	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-25	有
	請求項		無

2．　文献及び説明

文献１：JP 2002-142094 A（株式会社東芝）2002.05.17,
段落【0001】～【0024】 & US 2002/0071593 A1 & US 2006/0120561 A1
文献２：JP 2008-158776 A（キヤノン株式会社）2008.07.10,
段落【0011】～【0042】,【0046】 & US 2008/0212098 A1
文献３：WO 2006/129551 A1（日本電気株式会社）2006.12.07, 全文, 全図
& JP 2006-338092 A & US 2009/0087036 A1 & CN 101189640 A

請求項1-25に係る発明は、国際調査報告で引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。
文献１には、改変に強い電子透かし埋込装置が記載されている。また、文献２及び文献３には、変動を加えた画像による特徴器学習・選択技術が記載されている。
しかしながら、いずれの文献にも、識別能力に加えて「画像への改変処理によって特徴量の値が変化しない度合いである頑健性」を評価基準として特徴量を評価する点が記載されておらず、請求項1-25に係る発明はそれにより頑健性のある特徴量を選択するという有利な効果を発揮する。

第Ⅶ欄　国際出願の不備

この国際出願の形式又は内容について、次の不備を発見した。

段落[0023]の「(例えば、インタネット上」の記載は、「(例えば、インターネット上」の誤記である。

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.
13/056,767	01/31/2011	Kota Iwamoto	Q122704	6663

23373 7590 04/06/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
04/06/2011	ELECTRONIC

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

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

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

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

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

In re Application of	:	
IWAMOTO, KOTA, et al.	:	DECISION ON REQUEST TO
Application No. 13/056,767	:	PARTICIPATE IN PATENT
Filed: January 31, 2011	:	PROSECUTION HIGHWAY
Attorney Docket No. **Q122704**	:	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 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 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 Wellington Chin at 571-272-33134.

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

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

/ Wellington Chin /

Wellington Chin
Quality Assurance Specialist
Technology Center 2600
Communications

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/056,773	Filing date:	January 31, 2011
First Named Inventor:	Ryoma Oami		
Title of the Invention:	VIDEO SIGNATURE EXTRACTION DEVICE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2010/000278

The international date of the corresponding PCT application(s) is/are: January 20, 2010

I. List of Required Documents:

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

☑ Is attached.

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

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

☐ Is attached.

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

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

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

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.:	13/056,773
First Named Inventor:	Ryoma Oami

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on January 31, 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 31, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
		SEE ATTACHED CLAIM CORRESPONDENCE TABLE

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

Signature /J. Warren Lytle, Jr./	Date March 30, 2011
Name (Print/Typed) J. Warren Lytle, Jr.	Registration Number 39,283

Privacy Act Statement

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

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

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

Claims Correspondence Table			
Application No.:	13/056,773	First Named	Ryoma Oami
Confirmation No.:	6731	Group Art Unit:	
		Examiner:	
Filing Date:	January 31, 2011	Attorney Docket	Q122702
Title of the Invention:	VIDEO SIGNATURE EXTRACTION DEVICE		

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claim 1 of the US application is the same as patentable claim 1 of the corresponding PCT Application.
2	2	Claim 2 of the US application is the same as patentable claim 2 of the corresponding PCT Application.
3	3	Claim 3 of the US application is the same as patentable claim 3 of the corresponding PCT Application.
4	4	Claim 4 of the US application is the same as patentable claim 4 of the corresponding PCT Application, except the multiple dependencies have been removed.
5	5	Claim 5 of the US application is the same as patentable claim 5 of the corresponding PCT Application.
6	6	Claim 6 of the US application is the same as patentable claim 6 of the corresponding PCT Application, except the multiple dependencies have been removed.
7	7	Claim 7 of the US application is the same as patentable claim 7 of the corresponding PCT Application, except the multiple dependencies have been removed.
8	8	Claim 8 of the US application is the same as patentable claim 8 of the corresponding PCT Application, except the multiple dependencies have been removed.
9	9	Claim 9 of the US application is the same as patentable claim 9 of the corresponding PCT Application, except the multiple dependencies have been removed.
10	10	Claim 10 of the US application is the same as patentable claim 10 of the corresponding PCT Application, except the multiple dependencies have been removed.
11	11	Claim 11 of the US application is the same as patentable claim 11 of the corresponding PCT Application, except the multiple dependencies have been removed.
12	12	Claim 12 of the US application is the same as patentable claim 12 of the corresponding PCT Application.
13	13	Claim 13 of the US application is the same as patentable claim 13 of the corresponding PCT Application.
14	14	Claim 14 of the US application is the same as patentable claim 14 of the corresponding PCT Application.

15	15	Claim 15 of the US application is the same as patentable claim 15 of the corresponding PCT Application.
16	16	Claim 16 of the US application is the same as patentable claim 16 of the corresponding PCT Application.
17	17	Claim 17 of the US application is the same as patentable claim 17 of the corresponding PCT Application, except the multiple dependencies have been removed.
18	18	Claim 18 of the US application is the same as patentable claim 18 of the corresponding PCT Application.
19	19	Claim 19 of the US application is the same as patentable claim 19 of the corresponding PCT Application, except the multiple dependencies have been removed.
20	20	Claim 20 of the US application is the same as patentable claim 20 of the corresponding PCT Application, except the multiple dependencies have been removed.
21	21	Claim 21 of the US application is the same as patentable claim 21 of the corresponding PCT Application, except the multiple dependencies have been removed.
22	22	Claim 22 of the US application is the same as patentable claim 22 of the corresponding PCT Application, except the multiple dependencies have been removed.
23	23	Claim 23 of the US application is the same as patentable claim 23 of the corresponding PCT Application, except the multiple dependencies have been removed.
24	24	Claim 24 of the US application is the same as patentable claim 24 of the corresponding PCT Application, except the multiple dependencies have been removed.
25	25	Claim 25 of the US application is the same as patentable claim 25 of the corresponding PCT Application.
26	26	Claim 26 of the US application is the same as patentable claim 26 of the corresponding PCT Application.
2	27	Claim 27 of the US application is the same as patentable claim 27 of the corresponding PCT Application.

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

Signature: /J. Warren Lytle, Jr./	Date: March 30, 2011
Name: (Print/Typed) J. Warren Lytle, Jr.	Registration Number: 39,283

STATEMENT

I, Motohiro BABA of BABA International Patent Office, 2nd Fl., Ishii Bldg., 25-1, Sugawara-machi, Kawagoe-shi, Saitama, 350-0046, JAPAN hereby state that I am conversant in both the Japanese and English languages and certify to the best of my knowledge and belief that the attached is a true and accurate translation of claims of PCT Application No. PCT/JP2010/000278 as of the date of the latest international work product, a WO/ISA of April 27, 2010.

Signature: Motohiro Baba

Motohiro BABA

Dated: Dec 14, 2010

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

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

(PCT Rule 44.1)

Applicant's or agent's file reference N00052WO	Date of mailing *(day/month/year)* 27. 04. 2010 **FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/JP2010/000278	International filing date *(day/month/year)* 20. 01. 2010
Applicant NEC Corporation	

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

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

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

   For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 – 9.011.

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

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

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

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

4. **Reminders**

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

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

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

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

   For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/ Japanese Patent Office Facsimile No.	Authorized officer Telephone No.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

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

(PCT Rule 44.1)

Applicant's or agent's file reference N00052WO	Date of mailing *(day/month/year)* 27. 04. 2010 **FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/JP2010/000278	International filing date *(day/month/year)* 20. 01. 2010
Applicant NEC Corporation	

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

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

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

   For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 – 9.011.

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

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

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

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

4. **Reminders**

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

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

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

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

   For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/ Japanese Patent Office Facsimile No.	Authorized officer Telephone No.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

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

(PCT Rule 44.1)

Applicant's or agent's file reference N00052WO	Date of mailing *(day/month/year)* 27. 04. 2010
International application No. PCT/JP2010/000278	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
Applicant NEC Corporation	International filing date *(day/month/year)* 20. 01. 2010

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

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

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

   For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 – 9.011.

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

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

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

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

4. **Reminders**

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

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

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

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

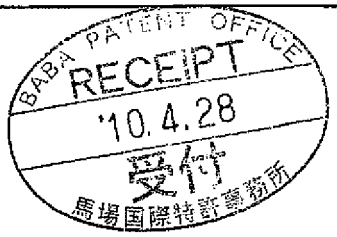
   For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/ Japanese Patent Office Facsimile No.	Authorized officer Telephone No.

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
馬場資博



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PCT

国際調査報告及び国際調査機関の見解書
又は国際調査報告を作成しない旨の決定
の送付の通知書
（法施行規則第41条）
［ＰＣＴ規則44.1］

出願人又は代理人 の書類記号　N00052WO	発送日 (日.月.年)　27.04.2010 今後の手続きについては、下記１及び４を参照。
国際出願番号 ＰＣＴ／ＪＰ２０１０／０００２７８	国際出願日 (日.月.年)　20.01.2010
出願人（氏名又は名称） 日本電気株式会社	

１．☑ 国際調査報告及び国際調査機関の見解書が作成されたこと、及びこの送付書とともに送付することを、出願人に通知する。

ＰＣＴ19条の規定に基づく補正書及び説明書の提出
出願人は、国際出願の請求の範囲を補正することができる（ＰＣＴ規則46参照）。
いつ　補正書の提出期間は、通常国際調査報告の送付の日から２月である。
どこへ　直接次の場所へ　The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: +41 22 338 82 70
詳細な手続については、添付用紙の備考を参照すること。

２．☐ 国際調査報告が作成されないこと、及び法第8条第2項（ＰＣＴ17条(2)(a)）の規定による国際調査報告を作成しない旨の決定及び国際調査機関の見解書をこの送付書とともに送付することを、出願人に通知する。

３．☐ 法施行規則第44条（ＰＣＴ規則40.2）に規定する追加手数料の納付に対する異議の申立てに関して、出願人に下記の点を通知する。
☐ 異議の申立てと当該異議についての決定を、その異議の申し立てと当該異議についての決定の両方を指定官庁へ送付することを求める出願人の請求とともに、国際事務局へ送付した。
☐ 当該異議についての決定は、まだ行われていない。決定されしだい出願人に通知する。

４．今後の手続：　出願人は次の点に注意すること。
優先日から１８月経過後、国際出願は国際事務局によりすみやかに国際公開される。出願人が公開の延期を望むときは、国際出願又は優先権の主張の取下げの通知がＰＣＴ規則90の2.1及び90の2.3にそれぞれ規定されているように、国際公開の事務的な準備が完了する前に国際事務局に到達しなければならない。
いくつかの指定官庁については、出願人が国内段階の開始を優先日から３０月まで（官庁によってはさらに遅くまで）延期することを望むときは、優先日から１９月以内に、国際予備審査の請求書が提出されなければならない。そうでなければ、出願人はそれらの指定官庁に対して優先日から２０月以内に、国内段階の開始のための所定の手続を取らなければならない。
その他の指定官庁については、１９月以内に国際予備審査の請求書が提出されない場合にも、３０月の（あるいはさらに遅い）期限が適用される。
様式PCT/IB/301の付属書類を参照。個々の指定官庁で適用される期限の詳細については、ＰＣＴ出願人の手引、第Ⅱ巻、国内段階およびＷＩＰＯインターネットサイトを参照。

名称及びあて名 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	権限のある職員　5C　9197 特　許　庁　長　官 電話番号　０３－３５８１－１１０１　内線　３５４１

様式ＰＣＴ／ＩＳＡ／２２０　（２００４年1月）　（添付用紙を参照）

注　　意

1．国際調査報告の発送日から起算する条約第19条（1）及び規則46.1に従う国際事務局への補正期間に注意してください。

2．条約22条（2）に規定する期間に注意してください。

3．法律又は契約等の制限により、国際調査報告に記載した非特許文献の写しの一部又は全てが送付されない場合があります。

4．文献の写しの請求について

国際調査報告に記載した文献の複写

特許庁にこれらの引用文献の写しを請求することもできますが、独立行政法人工業所有権情報・研修館（特許庁庁舎２階）で公報類の閲覧・複写および公報以外の文献複写等の取り扱いをしています。

〔担当及び照会先〕

〒１００－００１３　東京都千代田区霞が関３丁目４番３号（特許庁庁舎２階）

独立行政法人工業所有権情報・研修館

【公 報 類】　閲覧部　ＴＥＬ　03－3581－1101　内線3811～2

【公報以外】　資料部　ＴＥＬ　03－3581－1101　内線3831～3

注意　特許庁に対して文献の写しの請求をすることができる期間は、国際出願日から７年です。

様式ＰＣＴ／ＩＳＡ／２２０の備考

この備考は、ＰＣＴ19条の規定に基づく補正書の提出に関する基本的な指示を与えるためのものである。この備考は特許協力条約並びにこの条約に基づく規則及び実施細則の規定に基づいている。この備考とそれらの規定とが相違する場合には、後者が適用される。詳細な情報については、ＰＣＴ出願人の手引も参照すること。

ＰＣＴ19条の規定に基づく補正書の提出に関する指示

出願人は、国際調査報告及び国際調査機関の見解書を受領した後、国際出願の請求の範囲を補正する機会が一回ある。しかし、国際出願のすべての部分（請求の範囲、明細書及び図面）が、国際予備審査の手続においても補正できるもので、例えば出願人が仮保護のために補正書を公開することを希望する場合又は国際公開前に請求の範囲を補正する別の理由がある場合を除き、通常ＰＣＴ19条の規定に基づく補正書を提出する必要はないことを強調しておく。さらに、仮保護は一部の国のみで与えられるだけであることも強調しておく（ＰＣＴ出願人の手引、附録Ｂ参照）。

国際調査機関がＰＣＴ17条(2)の規定により国際調査報告を作成しない旨の決定をしたときは、ＰＣＴ19条の規定により請求の範囲を補正することができないことに、出願人は注意されたい（ＰＣＴ出願人の手引き、国際段階、第296段落参照）。

補正の対象となるもの

ＰＣＴ19条の規定により請求の範囲のみ補正することができる。
国際段階においてＰＣＴ34条の規定に基づく国際予備審査の手続きにおいて請求の範囲を（更に）補正することができる。
明細書及び図面は、ＰＣＴ34条の規定に基づく国際予備審査の手続においてのみ補正することができる。
国内段階に移行する際、ＰＣＴ28条（又はＰＣＴ41条）の規定により、国際出願のすべての部分を補正することができる。

いつ

国際調査報告の送付の日から２月又は優先日から１６月の内どちらか遅く満了するほうの期間内。しかし、その期間の満了後であっても国際公開の技術的な準備の完了前に国際事務局が補正を受領した場合には、その補正書は、期間内に受理されたものとみなすことを強調しておく（ＰＣＴ規則46.1）。

補正書を提出すべきところ

補正書は、国際事務局のみに提出でき、受理官庁又は国際調査機関には提出してはいけない（ＰＣＴ規則46.2）。
国際予備審査の請求書を提出した／する場合については、以下を参照すること。

どのように

１以上の請求の範囲の削除、１以上の新たな請求の範囲の追加、又は１以上の請求の範囲の記載の補正による。
すでに提出したすべての請求の範囲を差し替えるための完全な一式の請求の範囲を含む差し替え用紙を提出しなければならない。請求の範囲を削除する場合、その他の請求の範囲の番号を付け直す必要はない。請求の範囲の番号を付け直す場合には、アラビア数字で連続番号で付け直さなければならない（実施細則205号(a)）。
補正は国際公開の言語で行う。

補正書にどのような書類を添付しなければならないか

書簡（ＰＣＴ実施細則第205号(b)）

補正書には書簡を添付しなければならない。
書簡は国際出願及び補正された請求の範囲とともに公開されることはない。これを「ＰＣＴ19条(1)に規定する説明書」と混同してはならない（「ＰＣＴ19条(1)に規定する説明書」については、以下を参照）。
書簡は、英語又は仏語を選択しなければならない。ただし、国際出願の言語が英語の場合、書簡は英語で、仏語の場合、書簡は仏語で記載しなければならない。
書簡には、出願時の請求の範囲と補正された請求の範囲との相違について表示しなければならない。特に、国際出願に記載した各請求の範囲との関連で次の表示（２以上の請求の範囲についての同一の表示する場合は、まとめることができる。）をしなければならない。

(i) この請求の範囲は変更しない。
(ii) この請求の範囲は削除する。
(iii) この請求の範囲は追加である。
(iv) この請求の範囲は出願時の１以上の請求の範囲と差し替える。
(v) この請求の範囲は出願時の請求の範囲の分割の結果である。

次に、添付する書簡中での、補正についての説明の例を示す。

１．［請求の範囲の一部の補正によって請求の範囲の項数が４８から５１になった場合］：
“請求の範囲１－２９、３１、３２、３４、３５、３７－４８項は、同じ番号のもとに補正された請求の範囲と置き換えられた。請求の範囲３０、３３及び３６項は変更なし。新たに請求の範囲４９－５１項が追加された。”
２．［請求の範囲の全部の補正によって請求の範囲の項数が１５から１１になった場合］：
“請求の範囲１－１５項は、補正された請求の範囲１－１１項に置き換えられた。”
３．［原請求の範囲の項数が１４で、補正が一部の請求の範囲の削除と新たな請求の範囲の追加を含む場合］：
“請求の範囲１－６及び１４項は変更なし。請求の範囲７－１３は削除。新たに請求の範囲１５、１６及び１７項を追加。”又は
“請求の範囲７－１３は削除。新たに請求の範囲１５、１６及び１７項を追加。その他の全ての請求の範囲は変更なし。”
４．［各種の補正がある場合］：
“請求の範囲１－１０項は変更なし。請求の範囲１１－１３、１８及び１９項は削除。請求の範囲１４、１５及び１６項は補正された請求の範囲１４項に置き換えられた。請求の範囲１７項は補正された請求の範囲１５、１６及び１７項に分割された。新たに請求の範囲２０及び２１項が追加された。”

“ＰＣＴ19条(1)の規定に基づく説明書”（ＰＣＴ規則46.4）

補正書には、補正並びにその補正が明細書及び図面に与える影響についての説明書を提出することができる（明細書及び図面はＰＣＴ19条(1)の規定に基づいては補正できない）。

説明書は、国際出願及び補正された請求の範囲とともに公開される。

説明書は、国際公開の言語で作成しなければならない。

説明書は、簡潔でなければならず、英語の場合又は英語に翻訳した場合に５００語を越えてはならない。

説明書は、出願時の請求の範囲と補正された請求の範囲との相違を示す書簡と混同してはならない。説明書を、その書簡に代えることはできない。説明書は別紙で提出しなければならず、見出しを付すものとし、その見出しは“ＰＣＴ19条(1)の規定に基づく説明書”の語句を用いることが望ましい。

説明書には、国際調査報告又は国際調査報告に列記された文献との関連性に関して、これらを誹謗する意見を記載してはならない。国際調査報告に列記された特定の請求の範囲に関連する文献についての言及は、当該請求の範囲の補正に関してのみ行うことができる。

国際予備審査の請求書が提出されている場合

ＰＣＴ19条の規定に基づく補正書及び添付する説明書の提出の時に国際予備審査の請求書が既に提出されている場合には、出願人は、補正書（及び説明書）を国際事務局に提出すると同時にその写し及び必要な場合、その翻訳文を国際予備審査機関にも提出することが望ましい（ＰＣＴ規則55.3(a)、62.2の第１文を参照）。詳細は国際予備審査請求書（ＰＣＴ／ＩＰＥＡ／４０１）の注意書参照。

国際予備審査の請求がされた場合は、国際予備審査機関が国際調査機関としては行動しておらず、ＰＣＴ規則66.1の2(b)の規定による国際事務局への通告がなされているという特定の場合を除いて、国際調査機関の見解書は国際予備審査機関の見解書とみなされる。国際予備審査の請求がされると、様式ＰＣＴ／ＩＳＡ２２０の送付日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる（ＰＣＴ規則43の2.1(c)）。

国内段階に移行するための国際出願の翻訳に関して

国内段階に移行する際、ＰＣＴ19条の規定に基づいて補正された請求の範囲の翻訳を出願時の請求の範囲の翻訳の代わりに又は追加して、指定官庁／選択官庁に提出しなければならないこともあるので、出願人は注意されたい。

指定官庁／選択官庁の詳細な要求については、ＰＣＴ出願人の手引きの国内段階を参照。

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)* 27. 04. 2010
Applicant's or agent's file reference N00052WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/000278	20. 01. 2010	23. 01. 2009

International Patent Classification (IPC) or both national classification and IPC
Int.Cl. H04N5/76(2006.01)i, G06F17/30(2006.01)i, G06T7/00(2006.01)i, G06T7/20(2006.01)i, H04N7/173(2006.01)i

Applicant
NEC Corporation

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
Japanese Patent Office	04. 02. 2010	
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000278

Box No. I Basis of this opinion

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

   [X] the international application in the language in which it was filed.

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

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

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

   a. (means)

      [ ] on paper

      [ ] in electronic form

   b. (time)

      [ ] in the international application as filed

      [ ] together with the international application in electronic form

      [ ] subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000278

Box No. II Priority

1. ☐ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000278

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

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

☐ the entire international application.

☐ claims Nos. _____

because:

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

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

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

☐ no international search report has been established for said claims Nos. _____

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

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

☐ See Supplemental Box for further details.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000278

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:

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/JP2010/000278

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	1-27	YES
	Claims		NO
Inventive step (IS)	Claims	1-27	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-27	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2000-194727A (TELECOMMUNICATION ADVANCEMENT ORGANIZATION OF JAPAN et al.) 14 July, 2000 [0095]-[0200], Drawings 3-15 & US 6792043 B1 & US 2006/0002463 A1 & US 2009/0049103 A1 & EP 996289 A2

Document 2 : JP 2006-054802 A (KDDI CORP.) 23 February, 2006 [0018]-[0066] Drawings 1-6 & KR 10-2006-0050427 A

Document 3 : JP 2008-040682 A (MATSUSHITA ELECTRIC WORKS LTD.) 21 February, 2008 [0032] & US 2008/0033898 A1 & EP 1892505 A2 & CN 101118434 A

The present invention disclosed in Claims 1-27 of this application has an inventive step with respect to the references 1-3 cited in the International Search Report.
Any of the references 1-3 cited in the International Search Report does not disclose the features that "an each-picture feature extraction unit that extracts a feature of each picture, which is a frame or a field, as an each-picture visual feature from an input video;

a time axial direction change region extraction unit that analyzes an image change in a time direction with respect to predetermined regions in a picture from the video, obtains a region having a large image change, and generates change region information which is information designating the region;

an each-region feature extraction unit that extracts a feature of the region corresponding to the change region information as an each-region visual feature from the video; and

a multiplexing unit that multiplexes the each-picture visual feature, the each-region visual feature, and the change region information, and generates a video signature."

In addition, it is not easy for a person having ordinary skill in the art to have an idea such as the above-mentioned features cited in Claims 1-27 of this application.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000278

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)*

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)*

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000278

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000278

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:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/000278

Supplemental Box

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

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
馬場資博

様

BABA PATENT OFFICE
RECEIPT
'10.4.28
受付
馬場国際特許事務所

あて名
〒350-0046
日本国埼玉県川越市菅原町２５番地１　石井ビル２階

PCT
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）　27. 04. 2010	
出願人又は代理人 の書類記号　N00052WO	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２０１０／０００２７８	（日.月.年）　２０．０１．２０１０	（日.月.年）　２３．０１．２００９

国際特許分類（ＩＰＣ）Int.Cl. H04N5/76(2006.01)i, G06F17/30(2006.01)i, G06T7/00(2006.01)i, G06T7/20(2006.01)i, H04N7/173(2006.01)i

出願人（氏名又は名称）
日本電気株式会社

１．この見解書は次の内容を含む。

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

２．今後の手続き

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

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

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日 ０４．０２．２０１０	
名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　５Ｃ　９１９７ 竹中　辰利 電話番号　０３－３５８１－１１０１　内線　３５４１

様式ＰＣＴ／ＩＳＡ／２３７（表紙）（２００７年４月）

国際調査機関の見解書

国際出願番号 PCT／JP2010／000278

第Ⅰ欄 見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である＿＿＿＿＿＿＿＿語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

2．☐ この見解書は、ＰＣＴ規則91の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則43の2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a．タイプ
☐ 配列表
☐ 配列表に関連するテーブル

b．フォーマット
☐ 紙形式
☐ 電子形式

c．提出時期
☐ 出願時の国際出願に含まれていたもの
☐ この国際出願と共に電子形式により提出されたもの
☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号 ＰＣＴ／ＪＰ２０１０／０００２７８

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	1－27	有
	請求項		無
進歩性（ＩＳ）	請求項	1－27	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1－27	有
	請求項		無

2. 文献及び説明

文献１：JP 2000-194727 A（通信・放送機構　外２名）2000.07.14, 【００９５】－【０２００】、図３－１５ & US 6792043 B1 & US 2006/0002463 A1 & US 2009/0049103 A1 & EP 996289 A2

文献２：JP 2006-054802 A（ＫＤＤＩ株式会社）2006.02.23, 【００１８】－【００６６】、図１－６ & KR 10-2006-0050427 A

文献３：JP 2008-040682 A（松下電工株式会社）2008.02.21, 【００３２】 & US 2008/0033898 A1 & EP 1892505 A2 & CN 101118434 A

請求項１－２７に係る発明は、国際調査報告で引用された文献１－３に対して進歩性を有する。文献1－３には［入力される映像から、フレームまたはフィールドであるピクチャ毎の特徴量をピクチャ毎視覚特徴量として抽出するピクチャ毎特徴量抽出手段と、
前記映像から、ピクチャ内の予め定められた領域に対して、時間方向の画像変化を解析し、画像変化が大きい領域を求めてその領域を指定する情報である変化領域情報を生成する時間軸方向変化領域抽出手段と、
前記変化領域情報に対応する領域の特徴量を、前記映像から領域毎視覚特徴量として抽出する領域毎特徴量抽出手段と、
前記ピクチャ毎視覚特徴量と前記領域毎視覚特徴量と前記変化領域情報とを多重化して映像識別子を生成する多重化手段］が記載されておらず、しかもその点は当業者といえども容易に想到し得ないものである。

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,773	01/31/2011	Ryoma Oami	Q122702	6731

23373 7590 04/20/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
04/20/2011	ELECTRONIC

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

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

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

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

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APR 19 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

In re Application of: Ryoma OAMI ET AL.
Application No. 13/056,773
Filed: Jan 31, 2011
For: VIDEO SIGNATURE EXTRACTION DEVICE

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

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 30, 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 the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

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

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

b. Submit a claims correspondence table in English;

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

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

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

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

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

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

with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

Accordingly, the Petition is **GRANTED**.

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

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

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

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist,
Technology Center 2400

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

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

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

Application Information

Application Number	13/056,779	Confirmation Number	6776	Filing Date	2011-01-31
Attorney Docket Number (optional)	46519	Art Unit		Examiner	
First Named Inventor	William D. Hurst				
Title of Invention	Alloy Coating Apparatus and Metalliding Method				

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	D.	Hurst	

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 D. Hurst/	Date (YYYY-MM-DD)	2011-03-30
Name	William D. Hurst		

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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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
William D. Hurst

Application No. 13056779

Filed: January 31,2011

Attorney Docket No. 46519

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

The petition is **GRANTED**.

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

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

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

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

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hidehiko NISHINO et al. Attn: PCT Branch

Application No. 13/056,780

Filed: January 31, 2011 Docket No.: 148384

For: BAND SAW CUTTING APPARATUS AND INGOT CUTTING METHOD

TRANSMITTAL OF ENGLISH-LANGUAGE
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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

Sir:

Attached hereto is a translation and copy of the International Preliminary Report on Patentability (Form PCT/IB/409) (IPRP). The attached IPRP expresses positive opinions as to one or more claims of this application with regard to novelty, inventive step, and industrial applicability. The IPRP is submitted for the Examiner's consideration.

Respectfully submitted,

William P. Berridge
Registration No. 30,024

Andrew B. Whitehead
Registration No. 61,989

WPB:ABW/abw

Date: June 6, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

PATENT COOPERATION TREATY

PCT/JP2009/003876

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)

(PCT Rules 44*bis*.3(c) and 72.2)

To:

YOSHIMIYA, Mikio
1st Shitaya Bldg. 8F, 6-11, Ueno 7-chome, Taito-ku,
Tokyo
1100005
JAPON

Date of mailing *(day/month/year)* 28 April 2011 (28.04.2011)	
Applicant's or agent's file reference 08F00075WO	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2009/003876	International filing date *(day/month/year)* 12 August 2009 (12.08.2009)
Applicant Shin-Etsu Handotai Co.,Ltd. et al	

1. **Transmittal of the translation to the applicant.**

☒ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AO, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, 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, PE, 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 08F00075WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/003876	International filing date *(day/month/year)* 12 August 2009 (12.08.2009)	Priority date *(day/month/year)* 19 September 2008 (19.09.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant Shin-Etsu Handotai Co.,Ltd.		

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

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

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

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

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

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

	Date of issuance of this report 19 April 2011 (19.04.2011)
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

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Applicant's or agent's file reference 08F00075WO	Date of mailing *(day/month/year)* **FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/003876	12.08.2009	19.09.2008

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

Applicant
Shin-Etsu Handotai Co.,Ltd.

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/003876

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/JP2009/003876

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	1-6	YES
	Claims		NO
Inventive step (IS)	Claims	1-6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2006-218652 A (SUMCO Corp.), 24 August 2006, paragraphs [0011] to [0015], fig. 2 and 7

Document 2: JP 2008-161992 A (Asahi Diamond Industrial Co., Ltd.), 17 July 2008, paragraph [0020], fig. 1

Document 3: JP 8-243837 A (Saito Seiki Co., Ltd.), 24 September 1996, paragraphs [0007] to [0012], fig. 1 and 4

The invention as in claims 1-6 is not described in any of the documents cited in the ISR and would not be obvious to a person skilled in the art.

A feature of "driving an endless-belt-like blade so as to circulate in one direction, cutting an ingot, and after the cut is complete, changing the direction in which the aforementioned blade circulates to the opposite direction before the start of the next cut" is not disclosed in any of the documents cited in the ISR, and consequently, the invention as in claims 1-6 produces an advantageous effect of "being able to stably keep the quality of the ingot, to extend the life of the blade, and to improve productivity".

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)
(PCT Rule 44bis.1(c))

To:

YOSHIMIYA, Mikio
1st Shitaya Bldg. 8F, 6-11, Ueno 7-chome, Taito-ku,
Tokyo
1100005
JAPON

Date of mailing *(day/month/year)*
31 March 2011 (31.03.2011)

Applicant's or agent's file reference
08F00075WO

IMPORTANT NOTICE

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/003876	12 August 2009 (12.08.2009)	19 September 2008 (19.09.2008)

Applicant
Shin-Etsu Handotai Co.,Ltd. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer
Masashi Honda

e-mail: pt08.pct@wipo.int

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 08F00075WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/003876	International filing date *(day/month/year)* 12 August 2009 (12.08.2009)	Priority date *(day/month/year)* 19 September 2008 (19.09.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant Shin-Etsu Handotai Co.,Ltd.		

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

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

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

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

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

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

	Date of issuance of this report 22 March 2011 (22.03.2011)
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

Form PCT/IB/373 (January 2004)

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人
　好宮幹夫

様

あて名
〒110-0005
日本国東京都台東区上野７丁目６番１１号第一下谷ビル８Ｆ

ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 （日.月.年）	０８．０９．２００９
出願人又は代理人 の書類記号　08F00075WO	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／ＪＰ２００９／００３８７６	（日.月.年）　１２．０８．２００９	（日.月.年）　１９．０９．２００８

国際特許分類（ＩＰＣ）Int.Cl. H01L21/304(2006.01)i, B23D55/08(2006.01)i, B24B21/20(2006.01)i, B28D5/04(2006.01)i

出願人（氏名又は名称）
信越半導体株式会社

１．この見解書は次の内容を含む。

- ☑ 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
２８．０８．２００９

名称及びあて先	特許庁審査官（権限のある職員）	３Ｐ	３６２７
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	横山　幸弘 電話番号　０３－３５８１－１１０１　内線　３３６４		

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００９／００３８７６

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／ＪＰ２００９／００３８７６

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1．　見解

新規性（N）	請求項	1-6	有
	請求項		無
進歩性（ＩＳ）	請求項	1-6	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-6	有
	請求項		無

2．　文献及び説明

文献１：JP 2006-218652 A（株式会社ＳＵＭＣＯ）2006.08.24,
段落【0011】－【0015】，　図2,7
文献２：JP 2008-161992 A（旭ダイヤモンド工業株式会社）2008.07.17,
段落【0020】,図1
文献３：JP 8-243837 A（斉藤精機株式会社）1996.09.24,
段落【0007】－【0012】，図1,4

請求項1－6に係る発明は、国際調査報告に引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

国際調査報告に引用されたいずれの文献にも「エンドレスベルト状のブレードを一方向に周回駆動させてインゴットを切断し、切断の完了後、次回の切断の開始前に前記ブレードを周回駆動する方向を前記方向とは逆方向に変更する」点が記載されておらず、請求項1-6に係る発明はそれにより「インゴットの品質を安定して保つことができ、ブレードの寿命を増加し、生産性を向上することができる」という有利な効果を発揮する。

Doc Code: PPH.PET.652 PTO/SB/20PCT-JP (05-10)
Document Description: Petition to make special under PCT-Patent Pros Hwy 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.:	13/056,780	Filing Date:	January 31, 2011
First Named Inventor:	Hidehiko NISHINO et al.		
Attorney Docket No.:	148384		
Title of the Invention:	BAND SAW CUTTING APPARATUS AND INGOT CUTTING METHOD		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/003876

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

☒ Is attached.

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

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

☒ Is attached.

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

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

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

PTO/SB/20PCT-JP (05-10)
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.:	13/056,780
First Named Inventor:	Hidehiko NISHINO et al.

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

☒ Is attached.

☒ Has already been filed in the above-identified U.S. application on January 31, 2011

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

☐ Are attached.

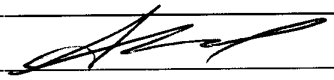
☒ Have already been filed in the above-identified U.S. application on January 31, 2011.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
7	1	Claim 7 of the U.S. application corresponds identically to claim 1 of the PCT application indicated as having novelty, inventive step and industrial applicability.
8	2	Claim 8 of the U.S. application corresponds identically to claim 2 of the PCT application indicated as having novelty, inventive step and industrial applicability. Claim 8 of the U.S. application is revised to depend from claim 7 (corresponding to claim 1 of the PCT application).
9-10	3	Claims 9-10 of the U.S. application correspond identically to claim 3 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 3 of the PCT application is a multiple dependent claim depending from claims 1-2. Claim 9 of the U.S. application depends from claim 7 (corresponding to PCT claim 1). Claim 10 of the U.S. application depends from claim 8 (corresponding to PCT claim 2). Claims 9-10 are thus individually dependent claims corresponding to multiple dependent claim 3 of the PCT application.
11	4	Claim 11 of the U.S. application corresponds identically to claim 4 of the PCT application indicated as having novelty, inventive step and industrial applicability.
12	5	Claim 12 of the U.S. application corresponds identically to claim 5 of the PCT application indicated as having novelty, inventive step and industrial applicability. Claim 12 of the U.S. application is revised to depend from claim 11 (corresponding to claim 4 of the PCT application).
13-14	6	Claims 13-14 of the U.S. application correspond identically to claim 6 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 6 of the PCT application is a multiple dependent claim depending from claims 4-5. Claim 13 of the U.S. application depends from claim 11 (corresponding to PCT claim 4). Claim 14 of the U.S. application depends from claim 12 (corresponding to PCT claim 5). Claims 13-14 are thus individually dependent claims corresponding to multiple dependent claim 6 of the PCT application.

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.

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) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Andrew B. Whitehead	Registration Number 61,989

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

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

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

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

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hidehiko NISHINO et al.

Application No.: 13/056,780

Filed: January 31, 2011

Group Art Unit:

Examiner:

Docket No.: 148384

For: BAND SAW CUTTING APPARATUS AND INGOT CUTTING METHOD

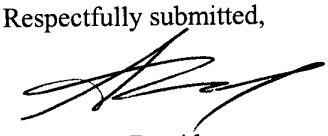
TRANSMITTAL OF CLAIMS AND TRANSLATION, AND AFFIRMATION OF ACCURACY OF TRANSLATION OF CLAIMS

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

Sir:

Attached hereto is a copy of the Japanese language claims of corresponding PCT application PCT/JP2009/003876 indicated to have novelty, inventive step and industrial applicability in the IPRP. Also attached is an English-language translation of the claims. On information and belief, the English-language translation is an accurate translation of the PCT application claims.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Andrew B. Whitehead
Registration No. 61,989

JAO:ABW/abw

Date: June 6, 2011

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CLAIMS

1. An ingot cutting method including: horizontally placing an ingot on a cutting table; providing an endless-belt blade in a tensioned state between pulleys, the blade having a blade-abrasive-grain portion and a blade base; driving to rotate the blade by rotating the pulleys; and cutting the ingot by relatively feeding the blade from above to below while spraying a coolant on the blade, wherein

the ingot is cut with the blade driven to rotate in one direction, and after the cutting and before next cutting, a direction of driving to rotate the blade is changed into a direction opposite to the one direction to cut the ingot.

2. The ingot cutting method according to claim 1, wherein a displacement amount of the blade is measured during the cutting of the ingot, and timing of changing the direction of driving to rotate the blade is determined on the basis of the measured displacement amount.

3. The ingot cutting method according to claim 1 or claim 2, wherein the blade having a thickness of the base of 0.1 to 0.5 mm is used.

4. A band saw cutting apparatus including: a cutting table on which an ingot is horizontally placed; an endless-belt blade provided in a tensioned state between pulleys, the blade having a blade-abrasive-grain portion and a blade base; and a coolant spraying opening for spraying a coolant on the blade,

the band saw cutting apparatus cutting the ingot by relatively feeding the blade from above to below, the blade being driven to rotate by rotating the pulleys, wherein

the pulleys is configured to be rotatable about an axis thereof in both directions, and a direction of driving to rotate the blade can be changed to cut the ingot.

5. The band saw cutting apparatus according to claim 4, further including a displacement sensor for measuring a displacement amount of the blade, wherein the direction of driving to rotate the blade is changed on the basis of the displacement amount of the blade, the displacement amount being measured by the displacement sensor during cutting of the ingot.

6. The band saw cutting apparatus according to claim 4 or claim 5, wherein the blade has a thickness of the base of 0.1 to 0.5 mm.

請求の範囲

[請求項1] 切断テーブルにインゴットを水平に載置し、ブレード砥粒部とブレード台金で構成されるエンドレスベルト状のブレードをプーリー間に張設し、前記プーリーを回転させて前記ブレードを周回駆動し、前記ブレードに対しクーラントを噴出しながら前記ブレードを相対的に上方から下方に送り出すことによって前記インゴットを切断するインゴットの切断方法であって、前記ブレードを一方向に周回駆動させて前記インゴットを切断し、該切断の完了後、次回の切断の開始前に前記ブレードを周回駆動する方向を前記方向とは逆方向に変更して前記インゴットを切断することを特徴とするインゴットの切断方法。

[請求項2] 前記ブレードを周回駆動する方向を変更するタイミングは、前記インゴットの切断中に前記ブレードの変位量を測定し、該測定した変位量によって決定することを特徴とする請求項１に記載のインゴットの切断方法。

[請求項3] 前記ブレードとして台金厚が０．１～０．５ｍｍのものを用いることを特徴とする請求項１または請求項２に記載のインゴットの切断方法。

[請求項4] 切断テーブルにインゴットが水平に載置され、ブレード砥粒部とブレード台金で構成されるエンドレスベルト状のブレードがプーリー間に張設され、前記ブレードに対してクーラントを噴出するクーラント噴出し口を有し、前記プーリーの回転により周回駆動される前記ブレードを相対的に上方から下方に送り出すことによって前記インゴットを切断するバンドソー切断装置であって、前記プーリーはその軸周りに両方向に回転可能に構成され、前記ブレードの周回駆動する方向を変更して前記インゴットを切断することができるものであることを特

徴とするバンドソー切断装置。

[請求項5] さらに、前記ブレードの変位量を測定する変位センサーを有し、前記変位センサーによって測定した前記インゴットの切断中の前記ブレードの変位量によって前記ブレードの周回駆動する方向を変更するものであることを特徴とする請求項４に記載のバンドソー切断装置。

[請求項6] 前記ブレードは台金厚が０．１～０．５ｍｍであることを特徴とする請求項４または請求項５に記載のバンドソー切断装置。

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,780	01/31/2011	Hidehiko Nishino	148384	6780

25944 7590 06/23/2011

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

EXAMINER	
HAIL, JOSEPH J	

ART UNIT	PAPER NUMBER
3723	

NOTIFICATION DATE	DELIVERY MODE
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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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

In re Application of: NISHINO, HIDEHIKO Serial No.: 13/056780 Filed: January 31, 2011 Attorney Docket No. : 148384 Title: BAND SAW CUTTING APPARATUS AND INGOT CUTTING METHOD	: DECISION ON A REQUEST TO : PARTICIPATE IN PCT/PATENT : PROSECUTION HIGHWAY : PROGRAM AND PETITION : TO MAKE SPECIAL UNDER : CFR 1.102(a)

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

The request and petition are **granted.**

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

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

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

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,834	01/31/2011	Riichi Ogawara	5734-103000	7152

28289 7590 04/20/2011

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
04/20/2011	ELECTRONIC

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

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

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

patents@webblaw.com

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

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of	**: DECISION ON REQUEST TO**
OGAWARA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 13/056,834	**: PROSECUTION HIGHWAY**
Filed: 31 January 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 5734-103000	**: TO MAKE SPECIAL UNDER**
For: GREEN EMITTING PHOSPHOR	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 31 January 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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

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

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

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

Conditions (3-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (1) and (2).

Regarding the requirement of condition (1), applicant is relying in JP 2009-503561 for the allowed/patentable claims but the instant application does not claim priority to this JPO 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.

Regarding the requirement of condition (2), applicant has failed submit a Japanese copy of the allowed/patentable claims.

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

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

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

Lee W. Young
TQAS Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/056,834	01/31/2011	Riichi Ogawara	5734-103000	7152

28289 7590 05/11/2011

THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH, PA 15222

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
05/11/2011	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):

patents@webblaw.com

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www.uspto.gov

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of	**: DECISION ON REQUEST TO**
OGAWARA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 13/056,834	**: PROSECUTION HIGHWAY**
Filed: 31 January 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 5734-103000	**: TO MAKE SPECIAL UNDER**
For: GREEN EMITTING PHOSPHOR	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 31 January 2011 and renewed on 05 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

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

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

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APR 25 2011

PCT LEGAL ADMINISTRATION

Buchanan Nipper LLC
P.O. Box 700
Perrysburg OH 43552-0700

In re Application of	:	
REITZEL (deceased) et al.	:	DECISION ON
Application No.: 13/056,869	:	
PCT No.: PCT/US2009/052407	:	PAPERS
Int. Filing Date: 31 July 2009	:	
Priority Date: 31 July 2008	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 1187-006	:	
For: HORIZONTAL PLATE MICROBIAL SUPPORT MEDIA	:	

This is a decision on the submission filed by applicants on 31 January 2011, which was accompanied by, *inter alia*, a declaration of the inventors. The indication in this declaration that inventor John S. REITZEL is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 31 July 2009, applicants filed international application PCT/US2009/052407, which designated the U.S. and claimed a priority date of 31 July 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 February 2010. The thirty-month period for paying the basic national fee in the United States expires at midnight on 31 January 2011.

On 31 January 2011, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of inventors. The indication in this declaration that inventor John C. REITZEL is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 31 January 2011 fails to comply with 37 CFR 1.497(a)-(b). It is not clear from the declaration whether the information below Gail Leslie REITZEL'S signature is her information, or if it is the information of John C. REITZEL. Additionally, the declaration does not include the residence, mailing address and citizenship of the person(s) signing on behalf of

the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name *and citizenship* of the deceased inventor (37 CFR 1.497(a)(3)).

CONCLUSION

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

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

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Buchanan Nipper LLC
P.O. Box 700
Perrysburg OH 43552-0700

MAILED
AUG 08 2011
PCT LEGAL ADMINISTRATION

In re Application of :
REITZEL (deceased) et al. : DECISION ON
Application No.: 13/056,869 :
PCT No.: PCT/US2009/052407 : PAPERS
Int. Filing Date: 31 July 2009 :
Priority Date: 31 July 2008 : UNDER 37 CFR 1.42
Attorney's Docket No.: 1187-006 :
For: HORIZONTAL PLATE MICROBIAL :
SUPPORT MEDIA :

This is a decision on applicants' renewed submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 22 June 2011.

BACKGROUND

On 31 July 2009, applicants filed international application PCT/US2009/052407, which designated the U.S. and claimed a priority date of 31 July 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 February 2010. The thirty-month period for paying the basic national fee in the United States expires at midnight on 31 January 2011.

On 31 January 2011, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of inventors. The indication in this declaration that inventor John C. REITZEL is deceased was properly treated as a request for status under 37 CFR 1.42.

On 25 April 2011, a decision was issued refusing applicants' request for status under 37 CFR 1.42.

On 22 June 2011, applicants filed the instant renewed petition under 37 CFR 1.42 which was accompanied by a new declaration signed by the legal representative of the deceased inventor.

DISCUSSION

Although the declaration filed 22 June 2011 includes the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name and citizenship of the deceased inventor (37 CFR 1.497(a)(3)), the declaration is not in compliance with 37 CFR 1.497(a)-(b) because it does not identify each inventor and the country of citizenship of each inventor (37 CFR 1.497(a)(3)). The declaration identifies only one of the inventors; William C. Stewart is not listed on the declaration filed 22 June 2011. A new declaration of inventors in compliance with 37 CFR 1.497(a)-(b) and newly signed by the legal representative of the deceased inventor is required.

CONCLUSION

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

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

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
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UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

OCT 03 2011

PCT LEGAL ADMINISTRATION

Buchanan Nipper LLC
P.O. Box 700
Perrysburg OH 43552-0700

In re Application of
REITZEL (deceased) et al.
Application No.: 13/056,869
PCT No.: PCT/US2009/052407
Int. Filing Date: 31 July 2009
Priority Date: 31 July 2008
Attorney's Docket No.: 1187-006
For: HORIZONTAL PLATE MICROBIAL SUPPORT MEDIA

DECISION ON

PAPERS

UNDER 37 CFR 1.42

This is a decision on applicants' renewed submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 23 August 2011.

BACKGROUND

On 31 July 2009, applicants filed international application PCT/US2009/052407, which designated the U.S. and claimed a priority date of 31 July 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 February 2010. The thirty-month period for paying the basic national fee in the United States expires at midnight on 31 January 2011.

On 31 January 2011, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of inventors. The indication in this declaration that inventor John C. REITZEL is deceased was properly treated as a request for status under 37 CFR 1.42.

On 25 April 2011, a decision was issued refusing applicants' request for status under 37 CFR 1.42.

On 22 June 2011, applicants filed a renewed request under 37 CFR 1.42 which was accompanied by a new declaration signed by the legal representative of the deceased inventor.

On 08 August 2011, a decision was issued refusing applicants' request for status under 37 CFR 1.42.

On 23 August 2011, applicants filed the instant renewed request for status under 37 CFR 1.42 which was accompanied by a new declaration of inventors.

DISCUSSION

The submission filed 23 August 2011 is in compliance with 37 CFR 1.42.

The declaration of inventors filed 23 August 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.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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PILLSBURY WINTHROP SHAW PITTMAN LLP
ATTENTION: DOCKETING DEPARTMENT
P.O. BOX 10500
McLean VA 22102

MAILED

FEB 24 2011

PCT LEGAL ADMINISTRATION

In re Application of :
COX, et al. :
Application No.: 13/056,877 :
PCT No.: PCT/US2009/049581 : DECISION ON PETITION
Int. Filing Date: 09 July 2009 :
Priority Date: 09 July 2008 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: 042733-0392139 :
For: IMMUNOASSAY FOR DETECTION OF :
NEUROTOXIC AMINO ACID ASSOCIATED :
WITH NEUROLOGICAL DISORDERS :

The petition to revive under 37 CFR 1.137(b) filed 31 January 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).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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PILLSBURY WINTHROP SHAW PITTMAN LLP (CV)
ATTENTION: DOCKETING DEPARTMENT
P.O BOX 10500
MCLEAN VA 22102

MAILED

JAN 26 2012

OFFICE OF PETITIONS

Applicant: Cox, et al.
Appl. No.: 13/056,877
Filing Date: May 25, 2011
Title: IMMUNOASSAY FOR DETECTION OF NEUROTOXIC AMINO ACID ASSOCIATED WITH NEUROLOGICAL DISORDERS
Attorney Docket No.: 042733-0392139
Pub. No.: US 2011/0223624 A1
Pub. Date: September 15, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on November 14, 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 publication wherein the second assignee's name was omitted.

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

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the name of the assignee. Omitting an assignee's name is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. MPEP 1130 B.

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[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).

On June 7, 2011, a Filing Receipt was mailed by the Office, which improperly listed the assignees. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application. The request for a Corrected Filing Receipt on November 18, 2011 was received too late to update the Office's records and for use in the publication.

Applicant is encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions, contact the Patent EBC (Electronic Business Center):

Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov.
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

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

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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NOV 22 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
YAMAMOTO et al.	:	
Application No.: 13/056,912	:	
PCT No.: PCT/JP2009/063839	:	DECISION
Int. Filing Date: 29 July 2009	:	
Priority Date: 30 July 2008	:	
Attorney's Docket No.: Q122819	:	
For: SODIUM SECONDARY BATTERY	:	

This decision is in response to applicants' submission filed 22 September 2011, which has properly been treated as a petition under 37 CFR 1.182.

The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form DO/EO/903) mailed 02 March 2011 was mailed before applicants' petition under 37 CFR 1.182 had been filed. Because applicants' petition has been granted, as set forth below, the application has met the requirements of 35 U.S.C. 371, and the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 dates accorded in Form DO/EO/903 are correct. Accordingly, Form DO/EO/903 is hereby affirmed.

The Filing Receipt mailed 02 March 2011 was also mailed before applicants' petition under 37 CFR 1.182 had been filed. Because applicants' petition has been granted, as set forth below, the inventorship listed in the Filing Receipt is correct. Accordingly, the Filing Receipt is hereby affirmed.

BACKGROUND

On 29 July 2009, applicants filed international application PCT/JP2009/063839 which designated the U.S. and claimed a priority date of 30 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 31 January 2011 (30 January 2011 being a Sunday).

On 31 January 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 02 March 2011, the United States Designated/Elected Office (DO/EO/US) issued a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 31 January 2011 and a Filing Receipt.

On 22 September 2011, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

The petition filed 22 September 2011 indicates that the difference between the eighth inventor's name on the published international application (Maiko SAKAI) and the declaration of inventors filed 31 January 2011 (Maiko SAKA) is the result of marriage.

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

As to item (1), the petition fee has been charged to Deposit Account 19-4880.

With regard to item (2), the statement of Maiko SAKA is a statement setting forth both names (Maiko SAKAI and Maiko SAKA) and the procedure (marriage) whereby the change of name was effected. This statement is accepted.

Declaration of Inventors

The declaration of inventors filed 31 January 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

/Daniel Stemmer/

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

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Clark & Elbing, LLP
101 Federal Street
Boston MA 02110

MAILED

MAR 15 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CHUNG et al. :
Application No.: 13/056,922 :
PCT No.: PCT/KR2009/001916 : DECISION ON PETITION
Int. Filing Date: 14 April 2009 : UNDER 37 CFR 1.137(b)
Priority Date: 25 June 2008 :
Attorney Docket No.: 50413/078001 :
For: PRODUCTION METHOD FOR A NANOPATTERNED EPOXY SUBSTRATE :

The petition to revive under 37 CFR 1.137(b) filed 13 January 2011 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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JUN 08 2011

PCT LEGAL ADMINISTRATION

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of: SAKAI, Hiroshi, et al.
U.S. Application No.: 13/056,944
PCT Application No.: PCT/JP2009/063603
International Filing Date: 30 July 2009
Priority Date: 01 August 2008
Attorney's Docket No.: HAYAK-0040
For: PROTEIN PRODUCTION METHOD, FUSION PROTEIN, AND ANTISERUM

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to the "Petition Under §1.181 For Unintended Submissions Filed Via EFS-Web" filed 06 April 2011, treated herein as a petition under 37 CFR 1.182. Deposit Account No. 13-3402 will be charged the required $400 petition fee.

BACKGROUND

On 31 January 2011, applicants filed materials to initiate the present U.S. national stage application using the EFS-Web electronic filing system.. This submission included a Transmittal Letter (Form PTO-1390), an application data sheet (ADS), sequence listing materials, a copy of international application PCT/JP2009/0**63603**, and payment of the basic national fee.

The Form PTO-1390 and the ADS filed by applicants on 31 January 2011 identified the submission as the U.S. national stage under 35 U.S.C. 371 of international application number PCT/JP2009/**057389**. However, as evidenced by the Electronic Acknowledgement Receipt, the information provided by applicant during the electronic filing process identified the application as the U.S. national stage under 35 U.S.C. 371 of international application number PCT/JP2009/0**63603**. Thus, applicants 31 January 2011 submission identified two different international application numbers to which the national stage filing was directed.

Based on the information provided during the electronic filing process, the present application file was initiated in the USPTO PALM system as the national stage of PCT/JP2009/0**63603**.

On 10 March 2011, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" requiring submission of an English translation of the international application, an oath or declaration in compliance with 37 CFR 1.497, and the processing fee and surcharge required for filing such materials later than thirty months after the priority date.

On 06 April 2011, applicants filed the "Petition Under §1.181 For Unintended Submissions Filed Via EFS-Web" considered herein under 37 CFR 1.182. The petition requests that the Form PTO-1390 and the ADS filed on 31 January 2011 be removed from the application file. The petition states that these forms were inadvertently filed in the incorrect application.

On 09 May 2011, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and processing fees, an executed declaration, an English translation of the international application, and a corrected Form PTO-1390 Transmittal Letter and ADS that identify the application as the U.S. national stage of PCT/JP2009/0**63603**.

DISCUSSION

As set forth above, the initial application submission of 31 January 2011 identified two different international application numbers to which the national stage application was purportedly directed. Under such circumstances, 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. Such correction is necessary before the materials filed 31 January 2011, including the basic national fee payment, may be treated as having been directed to either of the listed international applications, as necessary to avoid abandonment of the international application with respect to the United States. Accordingly, the petition filed by applicants on 06 April 2011 has been treated herein as a petition under 37 CFR 1.182 to confirm the correct international application number.

A grantable petition under 37 CFR 1.182 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 applicable priority date.

With respect to item (1), applicants' original Form PTO-1390 (and the corrected Form PTO-1390 filed on 09 May 2011) included the authorization to charge Deposit Account No. 13-3402 for required fees. Pursuant to this authorization, the Deposit Account will be charged the required petition $400 petition fee. Item (1) is therefore satisfied.

With respect to item (2), the petition filed on 06 April 2011 states that the original Form PTO-1390 and ADS filed on 31 January 2011 (i.e., the documents that referenced international application number PCT/JP2009/**057389**) were inadvertently filed herein. Applicants have also subsequently filed herein a corrected Form PTO-1390 and ADS that reference international application number PCT/JP2009/0**63603**. These statements and submissions are interpreted as the required statement confirming that the present application was intended as the national stage of international application PCT/JP2009/0**63603**. Item (2) is therefore satisfied.

With respect to item (3), a review of the application file confirms that the materials filed by applicants on 31 January 2011, and specifically the copy of the international application included in such submission, contained the correct international application number,

PCT/JP2009/0**63603**. These materials were filed prior to the expiration of thirty months from the priority date of PCT/JP2009/0**63603**. Item (3) is therefore satisfied.

Based on the above, applicants have satisfied the requirements for a grantable petition under 37 CFR 1.182 to confirm the correct international application number for the present national stage application. Accordingly, the materials filed herein on 31 January 2011, including the payment of the basic national fee, will be treated as having been directed to international application PCT/JP2009/0**63603**.

It is noted that applicant's petition requests that the incorrect Form PTO-1390 and ADS filed on 31 January 2011 be removed from the present application file. However, removal of these papers from the present application file would require the filing of a grantable petition to expunge under 37 CFR 1.59(b). See MPEP section 724.05.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to confirm the correct international application number for the present national stage application is **GRANTED**.

The materials filed herein on 31 January 2011 are treated as having been directed to international application number PCT/JP2009/**063603**, and the present application will be processed as the U.S. national stage of PCT/JP2009/0**63603**.

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

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-329

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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

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

Application No:	(not yet assigned)	Filing date:	(not yet assigned)
First Named Inventor:	TAGUCHI		
Title of the Invention:	CEILING-EMBEDDED VENTILATION FAN		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2010/001783

The international date of the corresponding PCT application(s) is/are: March 12, 2010

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

☑ Is attached

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

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

☑ Are attached.

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

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

PTO/SB/20PCT-JP (01-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	(not yet assigned)
First Named Inventor:	TAGUCHI

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claim 1 in the US application corresponds to claim 1 in the PCT application.
2	2	Claim 2 in the US application corresponds to claim 2 in the PCT application.
3	3	Claim 3 in the US application corresponds to claim 3 in the PCT application.
4	4	Claim 4 in the US application corresponds to claim 4 in the PCT application.
5	5	Claim 5 in the US application corresponds to claim 5 in the PCT application.
6	6	Claim 6 in the US application corresponds to claim 6 in the PCT application.
7	7	Claim 7 in the US application corresponds to claim 7 in the PCT application.
8	8	Claim 8 in the US application corresponds to claim 8 in the PCT application.
9	9	Claim 9 in the US application corresponds to claim 9 in the PCT application.
		.

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

IV. Payment of Fees:

The petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) must be paid via EFS-Web (using credit card, authorization to charge a deposit account, or electronic funds transfer).

Signature /Dhiren Odedra Reg. #41227/	Date 2011-02-01
Name (Print/Typed) Dhiren Odedra	Registration Number 41227

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.
13/057,026	02/01/2011	Masashi Taguchi	P55549-01	9058

42212 7590 03/11/2011

PANASONIC PATENT CENTER
1130 CONNECTICUT AVENUE NW, SUITE 1100
WASHINGTON, DC 20036

EXAMINER	
ART UNIT	PAPER NUMBER
3749	

NOTIFICATION DATE	DELIVERY MODE
03/11/2011	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):

ppc@us.panasonic.com
Dhiren.Odedra@us.panasonic.com
idogawa.y@jp.panasonic.com

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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PANASONIC PATENT CENTER
1130 CONNECTICUT AVENUE NW, SUITE 1100
WASHINGTON DC 20036

In re Application of	:	
TAGUCHI, MASASHI et al	:	DECISION ON REQUEST TO
Application No. 13/057,026	:	PARTICIPATE IN PATENT
Filed: Feb. 1, 2011	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. P55549/01	:	PROGRAM AND PETITION
Title: CEILING-EMBEDDED	:	TO MAKE SPECIAL UNDER
VENTILATION FAN	:	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. 1, 2011, to make the above-identified application special.

The request and petition are granted.

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

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

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

This application will be forwarded and docketed to an examiner for examination commensurate with the petition decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Steve McAllister, the SPE of Art Unit 3749, and 571-272-6785 for Class 454/242 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/057,054	Filing date:	02/01/2011
First Named Inventor:	Michiel Jan Adriaan JAARSVELD		
Title of the Invention:	Process for Producing a Plurality of High-Strength, High Modulus Aromatic Polyamide Filaments		

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/EP2009/059324

The international filing date of the corresponding PCT application(s) is/are: 07/21/2009

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/057,054
First Named Inventor:	Michiel Jan Adriaan JAARSVELD

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 02/01/2011

(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 02/01/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-6	1-6	Claims 1-6 of the U.S. Application were amended to further clarify the claims
		of the corresponding PCT Application and to better conform to U.S. practice.
		No substantive amendments were made.
7-10	3 and 4	New dependent claims were added to compensate for subject matter
		removed from multiple dependent claims 3 and 4 in the PCT Application.

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

Signature	Date 02/25/2011
Name (Print/Typed) Aborn C. Chao	Registration Number 66,538

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.
13/057,054	02/01/2011	Michiel Jan Adriaan Jaarsveld	148291	9244

25944 7590 05/12/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
1742	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAY 12 2011

BC

In re application of	:	DECISION ON REQUEST TO
Michiel Jaarsveld et al.	:	PARTICIPATE IN PATENT
Serial No. 13/057,054	:	PROSECUTION HIGHWAY
Filed: February 01, 2011	:	PROGRAM AND
Attorney Docket No: 148291	:	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 February 25, 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 Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Patent Administrator
Office of Technology Transfer, Emory University
1599 Clifton Road NE
4th Floor
Atlanta GA 30322

MAILED
JUN 13 2011
PCT LEGAL ADMINISTRATION

In re Application of :
AHMED, et al. :
U.S. Application No.: 13/057,057 : DECISION
PCT No.: PCT/US2009/052886 :
International Filing Date: 05 August 2009 :
Priority Date: 05 August 2008 :
Attorney's Docket No.: 08100 US :
For: USE OF MTOR INHIBITORS TO ENHANCE T CELL IMMUNE RESPONSES :

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. 1.71(g) AND REQUEST FOR REFUND" filed 18 May 2011 in the United States Patent and Trademark Office (USPTO). Applicant seeks a refunding of $3015.00 in fees charged on 22 February 2011 to applicant's deposit account.

BACKGROUND

On 20 April 2011, applicant was mailed a communication informing applicant that the request for refund had been denied. Specifically, the office noted that applicant had provided authorization to charge all necessary fees to the applicable deposit account.

On 18 May 2011, applicant filed the second request for refund discussed herein accompanied by a preliminary amendment.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) section 1893.01 (c) explains that:

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

In the present case, applicant authorized the charging of all necessary fees upon entering the U.S. national stage. Therefore, the fees were properly charged. As shown above, it is not possible to refund previously paid fees based on a subsequently filed preliminary amendment and as such, it is not possible to grant applicant's request for refund and the request is **DISMISSED**.

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

ROBERT W. STROZIER, P.L.L.C
P.O. BOX 429
BELLAIRE, TX 77402-0429

MAILED

JUN 06 2011

In re Application of
Ole-Bendt Rasmussen, et. al.
Application No. 13/057,078
Filed: May 17, 2011
Attorney Docket No. 50000/OR15

: OFFICE OF PETITIONS
:
: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 May 17, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is GRANTED.

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

The instant petition includes a statement from the attorney of record that joint inventor Ole-Bendt Rasmussen is "84 years old born 07-01-1977." Unfortunately, the year born would not place applicant's age at eighty-four (84) years.

On the other hand, since a copy of applicant's passport, submitted on May 17, 2011, shows that the inventor is 65 years of age or older, this application is accorded "special" status.

The application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4000.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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52835
HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902

MAILED

MAR 3 1 2011

PCT LEGAL ADMINISTRATION

In re Application of :
LIN, Qitian :
U.S. Application No.: 13/057,095 :
PCT No.: PCT/CN2007/003332 :
Int. Filing Date: 26 November 2007 :
Priority Date: 30 September 2007 :
Docket No.: 20259.0007USWO :
For: PRODUCING METHOD FOR GRATER :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 01 February 2011 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

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

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

23638
OLIFF & BERRIDGE, PLC
Suite 2350 Charlotte Plaza
201 South College Street
Charlotte, NC 28244

MAILED

MAR 3 1 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MAXWELL *et al.* :
U.S. Application No.: 13/057,105 :
PCT No.: PCT/GB2009/050953 :
Int. Filing Date: 31 July 2009 :
Priority Date: 31 July 2008 :
Docket No.: 203945 :
For: ENDOSCOPIC SURGICAL INSTRUMENT :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 01 February 2011 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
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Cantor Colburn LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAILED

MAR 18 2011

PCT LEGAL ADMINISTRATION

In re Application of
LEE, Keun-Ho :
Application No.: 13/057,112 :
PCT No.: PCT/KR2009/003924 : DECISION ON REQUEST
Int. Filing Date: 16 July 2009 :
Priority Date: 05 August 2008 :
Attorney Docket No.: BIP0062US :
For: LAND SETTLEMENT MEASURING :
APPARATUS AND SYSTEM :

This decision is issued in response to applicant's "Correction of Inventor's Name" filed 01 February 2011. Applicants are notifying the Office that the name of the sole inventor is Keun-Ho LEE as indicated on the declaration rather than Kuen Ho Lee as indicated on the published international application. Applicant's request has been treated under 37 CFR 1.181 to accept the declaration filed 01 February 2011. No petition fee is due.

Petitioner states that "the name of the inventor 'Kuen-Ho Lee' in the present application filed on February 01, 2011 is a typographical error of Keun-Ho Lee during the international phase of the international application." As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation is accepted and noted for the record and the declaration filed 01 February 2011 has been accepted.

For the reasons above, the request is **GRANTED**. This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 2995.0010000	Application Number (if known): 13/057,120	Filing date: See 1 in Addendum

First Named Inventor: Philip L. ROGERS

Title: Wind and Power Forecasting Using LIDAR Distance Wind Sensor

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date 5/9/11
Name (Print/Typed) Jason D. Eisenberg	Registration Number 43,447

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

[X] *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Addendum

1. U.S. national phase of International Application No. PCT/US2009/054665; International Filing Date: August 21, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 9703
ROGERS *et al.*	Art Unit: To Be Assigned
Appl. No.: 13/057,120	Examiner: To Be Assigned
(U.S. national phase of International Application No. PCT/US2009/054665; International Filing Date: August 21, 2009)	Atty. Docket: 2995.0010000
For: **Wind and Power Forecasting Using LIDAR Distance Wind Sensor**	

Statement of Special Status with Petition to Make Special Under the Green Technology Pilot Program

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Petition to Make Special Under the Green Technology Pilot Program, together with the requisite publication fee, is submitted herewith.

Basis for Special Status

Special status is sought for this application, Wind and Power Forecasting Using LIDAR Distance Wind Sensor, because at least one embodiment is based on the development of renewable energy resources through wind turbine power output management and the more efficient utilization of energy generated from wind turbine power through effective integration of wind-generated power into the electrical grid.

Statement Pertaining to the Materiality Standard

At least one embodiment of the present invention materially contributes to the development of renewable wind energy resources. The embodiment accurately forecasts wind conditions at a wind farm to provide enough time to adaptively regulate the wind turbines to optimize electric power generation, minimize maintenance and repair costs,

and better integrate with electrical utilities. This accurate forecasting helps reduce risk and uncertainty in maintaining grid capacity and stability under variable loads. This both develops wind energy technology and encourages others to invest in future development due to the reduced risk of operation.

The embodiment also materially contributes to the more efficient utilization of renewable wind energy resources. The embodiment leverages the capabilities of laser Doppler velocimeters to determine from measured wind conditions when a wind farm is unable to generate a particular output power level, as well as when a wind farm will generate more than a particular output power level. Based on the determination, an associated power utility will know to use additional power sources or store excess power. This regulation of wind farm energy output within the framework of a larger electric utility offers better utilization of wind energy through optimization of electric power generation.

Conclusion

Special status should be accorded this application because the embodiment materially contributes to the development of wind energy resources, as well as to the more efficient utilization of wind energy resources.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg
Attorney for Applicants
Registration No. 43,447

Date: 5/4/11

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

1329426_1.doc

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.
13/057,120	05/04/2011	Philip L. Rogers	2995.0010000	9703

26111 7590 09/23/2011

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
09/23/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of :
ROGERS, Philip et al. :
Application No. 13/057,120 :
Filed: May 4, 2011 :
For: **WIND AND POWER FORECASTING USING LIDAR DISTANCE WIND SENSOR** :

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed May 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the Technology Center Art Unit 2121 for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Eddie C. Lee at 571-272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BELEN *et al.*

Appl. No.: 13/057,124

(U.S. national phase of International Application No. PCT/US2010/023270; International Filing Date: February 5, 2010)

For: **HIGH DENSITY WIND VELOCITY DATA COLLECTION FOR WIND TURBINE**

Confirmation No.: 9728

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 2995.0050000

Statement of Special Status with Petition to Make Special Under the Green Technology Pilot Program

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Petition to Make Special Under the Green Technology Pilot Program, together with the requisite publication fee, is submitted herewith.

Basis for Special Status

Special status is sought for this application, High Density Wind Velocity Data Collection for Wind Turbine, because at least one embodiment is based on the development of renewable energy resources. In particular, the invention assists in forecasting high-density wind velocities for wind turbine control.

Statement Pertaining to the Materiality Standard

At least one embodiment of the present invention materially contributes to the development of renewable wind energy resources. The embodiment provides high-density, real-time wind velocity measurement data which is used to characterize the real-

time spatial distribution of wind in the inflow. The embodiment uses this data to optimize the adjustment of the pitch or other aerodynamic control of, or along, individual turbine blades as they sweep through the inflow according to the respective location of each blade to the measured data. This enables a wind turbine to take advantage of individual blade pitch control in compensating for variations in wind velocities. This therefore aids in the development of wind energy generation by better utilizing wind through high density wind velocity data.

Conclusion

Special status should be accorded this application because the embodiment materially contributes to the development of renewable wind energy resources.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg
Attorney for Applicants
Registration No. 43,447

Date: 5/9/11

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
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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.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 2995.0050000	Application Number (if known): 13/057,124	Filing date: See 1 in Addendum

First Named Inventor: Frederick C. BELEN

Title: HIGH DENSITY WIND VELOCITY DATA COLLECTION FOR WIND TURBINE

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date 5/4/11
Name (Print/Typed) Jason D. Eisenberg	Registration Number 43,447

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

[X] *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Addendum

1. U.S. national phase of International Application No. PCT/US2010/023270; International Filing Date: February 5, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/057,124	05/04/2011	Frederick C. Belen JR.	2995.0050000	9728

26111 7590 07/21/2011

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
ART UNIT	PAPER NUMBER
3662	

MAIL DATE	DELIVERY MODE
07/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JUL 2 1 2011

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
BELEN, FREDERICK C. JR. et al.	:	DECISION ON PETITION
Application No. 13/057,124	:	TO MAKE SPECIAL UNDER
Filed February 1, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2995.0050000	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed May 4, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3662 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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23373
SUGHRUE MION PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

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MAR 31 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SIMON VALLES *et al* :
U.S. Application No.: 13/057,135 :
PCT No.: PCT/ES2009/000386 :
Int. Filing Date: 22 July 2009 :
Priority Date: 22 July 2008 :
Docket No.: Q122985 :
For: GENE EXPRESSION PROFILE AS AN ENDOMETRIAL RECEPTIVITY MARKER :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 01 February 2011 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.

A declaration in compliance with 37 CFR 1.497(a) and (b) and a sequence listing was provided on 11 March 2011. However, the sequence listing contained errors and was not accepted.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

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
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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED

APR 15 2011

PCT LEGAL ADMINISTRATION

In re Application of AERNOUTS et al :
U.S. Application No.: 13/057,148 :
PCT Application No.: PCT/EP2009/058456 :
Int. Filing Date: 03 July 2009 : DECISION
Priority Date Claimed: 03 July 2008 :
Attorney Docket No.: IMEC581.001APC :
For: MULTI -JUNCTION PHOTOVOLTAIC :
MODULE AND THE PROCESSING THEREOF :

This is in response to applicant's petition under 37 CFR 1.137(b) filed 01 February 2011.

BACKGROUND

On 03 July 2009, applicant filed international application PCT/EP2009/058456, which claimed priority of an earlier United States application filed 03 July 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 07 January 2010. The thirty-month period for paying the basic national fee in the United States expired on 03 January 2011.

On 04 January 2011, international application PCT/EP2009/058456 became abandoned as to the United States for failure to timely pay the basic national fee.

On 01 February 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.

The application has an International Filing Date under 35 U.S.C. 363 of 03 July 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 February 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/057,160	03/30/2011	N. Wayne Mckay	GASL-014PUS	1294

26744 7590 07/28/2011

PERLEY-ROBERTSON, HILL & MCDOUGALL LLP
1400-340 Albert Street
OTTAWA, ON K1R 0A5
CANADA

EXAMINER	
ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
07/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip@perlaw.ca
mchoo@perlaw.ca
mvickers@perlaw.ca

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PERLEY-ROBERTSON, HILL & MCDOUGALL LLP
1400-340 Albert Street
OTTAWA ON K1R 0A5 CA CANADA

In re Application of:
MCKAY, N. WAYNE
Serial No.: 13/057160
Filed: February 2, 2011
Attorney Docket No. : GASL-014PUS
Title: PROCESS FOR REMOVING CONDENSABLE COMPONENTS FROM A FLUID

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 CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the CIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM NC 27707

MAILED

FEB 24 2011

PCT LEGAL ADMINISTRATION

In re Application of :
PARMAR, et al. :
Application No.: 13/057,247 :
PCT No.: PCT/IN2009/000344 : DECISION ON PETITION
Int. Filing Date: 15 June 2009 :
Priority Date: 13 June 2008 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: 1731/10 :
For: DIHYDROPYRIDIMIDINONE COMPOUNDS FOR THE TREATMENT OF CARDIO-VASCULAR DISEASES AND PROCESS FOR PREPARING THE SAME :

The petition to revive under 37 CFR 1.137(b) filed 02 February 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).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

MAILED

JUN 07 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
ZHANG	:	
Application No.: 13/057,259	:	DECISION
Attorney's Docket No.: 81362987 US04	:	
For: ITERATIVE CHANNEL ESTIMATION METHOD AND APPARATUS FOR ICI CANCELLATION IN MULTI-CARRIER	:	

This application is before the Office of PCT Legal Administration for consideration of issues under 35 U.S.C. 371.

On 02 February 2011, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, an Application Data Sheet (ADS) and a declaration of inventors. The international application number keyed into EFS-Web was PCT/IB08/01422. However, the international application number appearing in the ADS and in the declaration is PCT/CN2008/001422.

Applicant is required to file a reply to this communication resolving the above-stated inconsistency. A proper reply would include a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the discrepancy.

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 file a proper response will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/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
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SEP 13 2011

PCT LEGAL ADMINISTRATION

NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of	:	
ZHANG et al.	:	
Application No.: 13/057,259	:	DECISION
Attorney's Docket No.: 81362987 US04	:	
PCT No.: PCT/CN2009/001422	:	
Int. Filing Date: 04 August 2008	:	
Priority Date: None	:	
For: ITERATIVE CHANNEL ESTIMATION METHOD AND APPARATUS FOR ICI CANCELLATION IN MULTI-CARRIER	:	

This decision is in response to applicants' petition under 37 CFR 1.182 filed 12 July 2011.

BACKGROUND

On 02 February 2011, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, an Application Data Sheet (ADS) and a declaration of inventors. The international application number keyed into EFS-Web was PCT/IB08/01422. However, the international application number appearing in the ADS and in the declaration is PCT/CN2008/001422.

On 07 June 2011, a Notification was issued indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above-stated error regarding the international application number was required.

On 12 July 2011, applicants submitted the instant petition under 37 CFR 1.182.

DISCUSSION

The petition fee has been paid. A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/CN2008/001422**.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone (571) 272-3301

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/057,294	Filing date:	02-03-2011
First Named Inventor:	Jeffrey L. Allen		
Title of the Invention:	WAGERING GAME DIGITAL REPRESENTATIVE		

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.

PCT/US09/52769

The corresponding PCT application number(s) is/are:

The international date of the corresponding PCT application(s) is/are:

04-Aug-2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-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 PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	13/057,294
First Named Inventor:	Jeffrey L. Allen

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 02-03-2011

(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 02-03-2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1.2.4-8,10-15,17,18,20,21,23,24,26,27,29	1.2.4-8,10-15,17,18,20,21,23,24,26,27,29	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.

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.
13/057,294	02/03/2011	Jeffrey L. Allen	100.058US1	1725

65375 7590 04/21/2011

WMS GAMING (DELIZIO GILLIAM)
C/O DELIZIO GILLIAM, PLLC
15201 MASON ROAD
SUITE 1000-312
CYPRESS, TX 77433

EXAMINER	
ART UNIT	PAPER NUMBER
3714	

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	:	
ALLEN, JEFFREY L. et al	:	DECISION ON REQUEST TO
Application No. 13/057,294	:	PARTICIPATE IN PATENT
Filed: Feb. 3, 2011	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 100.058US1	:	PROGRAM AND PETITION
For: WAGERING GAME DIGITAL REPRESENTATIVE	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 14, 2011 to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #3

The request to participate in the PPH pilot program and petition does not include a complaint amendment cancelling claims 3, 9, 16, 19, 22, 25, and 28. Currently, this application contains claims 1-29 as filed on February 3, 2011. In order to grant the PPH Request in this case, a complaint amendment with a new list of claims cancelling the non-allowed claims 3, 9, 16, 19, 22, 25, and 28 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 on the merits for claims 1-29 as originally filed in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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.
13/057,294	02/03/2011	Jeffrey L. Allen	100.058US1	1725

65375 7590 06/16/2011

WMS GAMING (DELIZIO GILLIAM)
C/O DELIZIO GILLIAM, PLLC
15201 MASON ROAD
SUITE 1000-312
CYPRESS, TX 77433

EXAMINER	
ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
06/16/2011	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):

USPTO@DELIZIOGILLIAM.COM
USPTO2@DELIZIOGILLIAM.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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WMS GAMING (DELIZIO GILLIAM)
C/O DELIZIO GILLIAM, PLLC
15201 MASON ROAD
SUITE 1000-312
CYPRESS TX 77433

In re Application of	:	
ALLEN, JEFFREY L. et al	:	DECISION ON REQUEST TO
Application No. 13/057,294	:	PARTICIPATE IN PATENT
Filed: Feb. 3, 2011	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 100.058US1	:	PROGRAM AND PETITION
For: WAGERING GAME DIGITAL REPRESENTATIVE	:	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 6, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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 David Lewis, the SPE of Art Unit 3714 at 571-272-7673 for Class 463/42 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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MAILED

SEP 16 2011

PCT LEGAL ADMINISTRATION

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of :
YABE, Mamoru, et al. :
Application No.: 13/057,300 :
PCT No.: PCT/JP2009/064018 : DECISION
Int. Filing Date: 07 August 2009 :
Priority Date: 07 August 2008 :
Attorney Docket No.: 15115/540001 :
For: AREA LIGHT SOURCE DEVICE :

This decision is in response to applicants' statement under MPEP 1893.01(e), filed in the United State Patent and Trademark Office on 28 April 2011.

BACKGROUND

On 28 February 2011, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee examination fee or oath or declaration were required.

On 28 April 2011, applicants filed a declaration of the inventors, the surcharge and a statement under MPEP 1893.01(e).

DISCUSSION

Applicants state the fourth inventor's name is "Chih Bun Shiu" as stated in the declaration, but that the name in the international application contained a transliteration error. The correction of the error in the inventor's name is accepted under MPEP 1893.01(e). The declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's statement under 1893.01(e) is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/057,311	Filing date:	February 3, 2011
First Named Inventor:	Hong-Chan Lee		
Title of the Invention:	Piezo Insert for Implant Surgical Operation		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/KR2009/0004142

The international date of the corresponding PCT application(s) is/are: July 24, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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 PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	13/057,311
First Named Inventor:	Hong-Chan Lee

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	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
15	15	Same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Kisuk Lee/	Date February 3, 2011
Name (Print/Typed) Kisuk Lee	Registration Number 66,861

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.
13/057,311	02/03/2011	Hong-Chan Lee	15295-000040/US/NP	1864

28997 7590 04/08/2011
HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

EXAMINER	
ART UNIT	PAPER NUMBER
3732	

MAIL DATE	DELIVERY MODE
04/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS MO 63105

In re Application of:
LEE, HONG-CHAN
Application No.: 13/057,311
Filed: Feb. 3, 2011
Docket: 15295-000040/US/NP
Title: PIEZO INSERT FOR IMPLANT SURGICAL OPERATION

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed Feb. 3, 2011 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

The request and petition are granted

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Cris Rodriguez, the SPE of Art Unit 3732 at 571-272-4964 for Class 433/80 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

FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

MAILED

JUN 15 2011

PCT LEGAL ADMINISTRATION

In re Application of :
ADAMIETZ, Ralf, *et al.* :
Application No.: 13/057,320 :
PCT No.: PCT/EP2009/059245 :
Int. Filing Date: 17 July 2009 : DECISION ON
Priority Date: 06 August 2008 :
Attorney Docket No.: LYBZ 200149US01 : REQUEST
For: USE OF A ROLLING-ELEMENT :
BEARING FOR BEARING : UNDER 37 CFR 1.42
ROTATING COMPONENTS IN :
VACUUM DEVICES AND VACUUM :
DEVICE :

This is a decision on applicant's submission of a declaration on 15 April 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 08 April 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 15 April 2011, applicants filed this request for status under 37 CFR 1.42.

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 15 April 2011 declaration lists the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address, satisfying 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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APR 29 2011

PCT LEGAL ADMINISTRATION

ECKERT SEAMANS CHERIN & MELLOTT
600 GRANT STREET
44TH FLOOR
PITTSBURGH PA 15219

In re Application of REEDER et al.
Application No.: 13/057,323
PCT No.: PCT/GB09/01910
Int. Filing: 04 August 2009
Priority Date: 04 August 2008
Attorney Docket No: 050348-02123
For: OVERLOAD RELAY

: DECISION ON
:
: PETITION UNDER
:
: 37 CFR 1.137(b)
:
:
:

The petition to revive under 37 CFR 1.137(b) filed 25 February 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 been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), is required along with the surcharge for filing the oath or declaration after the thirty-month period.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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PCT LEGAL ADMINISTRATION

ECKERT SEAMANS CHERIN & MELLOTT
600 GRANT STREET
44TH FLOOR
PITTSBURGH PA 15219

In re Application of REEDER et al.
Application No.: 13/057,323
PCT No.: PCT/GB09/01910
Int. Filing: 04 August 2009
Priority Date: 04 August 2008
Attorney Docket No: 050348-02123
For: OVERLOAD RELAY

: DECISION ON
:
: PETITION UNDER
:
: 37 CFR 1.147(a)
:
:
:

This is a decision on applicant's Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 12 July 2011.

BACKGROUND

On 12 May 2011, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period was required.

On 12 July 2011, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor BRIAN M. REEDER, alleging that the inventor refuses to sign the application.

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 non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant satisfied Item (1) with the payment of the petition fee.

With respect to Item (2), MPEP Section 409.03(d) II. Refusal to Join, states in pertinent part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. *Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature*, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

Here, the petition is accompanied by statements of first hand knowledge of Katharina Bindl and Dr. Michael Bartonek. Ms. Bindl states that on 28 January 2011, she sent two email messages to the nonsigning inventor Reeder, attaching a declaration (PTO/SB/01 and (PTO/SB/02A) and power of attorney (PTO/SB/81). Dr. Bartonek states that on 16 June 2011, he sent an email message to nonsigning inventor Reeder inquiring about his receipt and willingness to approve previously sent documents for the U.S. national phase of the international application. On 17 June 2011, Dr. Bartonek spoke with inventor Reeder, wherein Mr. Reeder stated that he was not willing to sign the documents if he is not compensated. However, there is no evidence that a copy of the application papers (specification, including claims, drawings, and oath or declaration) were presented to the nonsigning inventor for signature. Delivery information confirming that the inventor did, in fact, receive these papers is necessary to conclude that the nonsigning inventor was presented with a complete copy of the application

papers and that he refuses to sign them. *See* Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP). Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature is needed. Item (2) is not yet satisfied.

Item (3) is satisfied as the last known address of the nonsigning inventor was provided.

Item (4) is satisfied with the submission of a declaration, in compliance with 37 CFR 1.497(a) and (b), and executed by the joint inventors on their behalf and on behalf of the nonsigning inventor.

Petitioner has not satisfied the requirements of 37 CFR 1.47(a). Item (2) above is outstanding. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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44TH FLOOR
PITTSBURGH PA 15219

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JAN 04 2012

PCT LEGAL ADMINISTRATION

In re Application of REEDER et al.	:	DECISION ON
Application No.: 13/057,323	:	
PCT No.: PCT/GB09/01910	:	PETITION UNDER
Int. Filing: 04 August 2009	:	
Priority Date: 04 August 2008	:	37 CFR 1.47(a)
Attorney Docket No: 050348-02123	:	
For: OVERLOAD RELAY	:	
	:	

This is a decision on applicant's Renewed Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 09 November 2011.

BACKGROUND

On 12 May 2011, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period was required.

On 12 July 2011, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor BRIAN M. REEDER, alleging that the inventor refuses to sign the application.

On 12 September 2011, a decision dismissing the petition was mailed to applicant indicating that delivery information confirming that the inventor did, in fact, receive the application papers is necessary to conclude that the nonsigning inventor was presented with a complete copy of the application papers and that he refuses to sign them.

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 non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his

or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (3) and (4) .

With respect to Item (2), Petitioner has now provided proof that a copy of the application papers (specification, including claims, drawings, and oath or declaration) was presented to the nonsigning inventor for his signature and that the inventor accepted delivery of the papers. The nonsigning inventor Reeder has not responded to Ben Leadbetter's written correspondence requesting Mr. Reeder's signature on the application papers. It can now be concluded that the nonsigning inventor's conduct constitutes a refusal, based upon the statement of facts in support of the petition and the documentary evidence. Item (2) is now satisfied.

Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 12 July 2011. The application has an international filing date of 04 August 2009 under 35 U.S.C. 363, and a date of 12 July 2011 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 04 20

PCT LEGAL ADMINISTRATION

BRIAN MARTIN REEDER
65 PENLON
MENAI BRIDGE
ANGLESEY LL59 5NE
UNITED KINGDOM

In re Application of REEDER et al.
Application No.: 13/057,323
PCT No.: PCT/GB09/01910
Int. Filing: 04 August 2009
Priority Date: 04 August 2008
Attorney Docket No: 050348-02123
For: OVERLOAD RELAY

Dear Mr. Reeder:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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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.
13/057,329	02/03/2011	Kouichi Kinoshita	IWI-34205	2041

7609 7590 07/21/2011

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

EXAMINER	
ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
07/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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JUL 2 1 2011

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

In re Application of	:	DECISION ON REQUEST TO
KINOSHITA ET AL.	:	PARTICIPATE IN PATENT
Application No. 13/057,329	:	PROSECUTION HIGHWAY
Filed: February 3, 2011	:	PROGRAM AND PETITION
Attorney Docket No. IWI-34205	:	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 29, 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 is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim;
(2) The JPO application(s) have at least one claim that was determined by the JPO to be allowable/patentable;
(3) All the claims in each U.S. application for which a request for participation in the PPH program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit a copy of the allowable/patentable claims from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the JPO examiner in the JPO office action (unless such an IDS has already been filed in the U.S. application).

The request to participate in the PPH program and petition fails to comply with the requirement because:

the claims correspondence table does not indicate how all the claims in the U.S. application correspond to the allowable/patentable claims in the JPO application(s). The column titled "explanation regarding the correspondence" is blank for claims 10-29.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

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.
13/057,329	02/03/2011	Kouichi Kinoshita	IWI-34205	2041

7609 7590 10/11/2011

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

EXAMINER	
VENKAT, JYOTHSNA A	

ART UNIT	PAPER NUMBER
1619	

MAIL DATE	DELIVERY MODE
10/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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OCT 1 1 2011

RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

In re Application of	:	DECISION ON REQUEST TO
KINOSHITA ET AL.	:	PARTICIPATE IN PATENT
Application No. 13/057,329	:	PROSECUTION HIGHWAY
Filed: February 3, 2011	:	PROGRAM AND PETITION
Attorney Docket No. IWI-34205	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to reconsider to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 15, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim;
(2) The JPO application(s) have at least one claim that was determined by the JPO to be allowable/patentable;
(3) All the claims in each U.S. application for which a request for participation in the PPH program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit a copy of the allowable/patentable claims from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the JPO examiner in the JPO office action (unless such an IDS has already been filed in the U.S. application).

The request to participate in the PPH program and petition 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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FEB 16 2011

PCT LEGAL ADMINISTRATION

HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY NJ 07110

In re Application of :
DURVAUX et al. :
U.S. App. No. 13/057,342 : DECISION ON PETITION
PCT No.:PCT/US2009/041877 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 28 April 2009 :
Priority Date: 08 May 2008 :
Attorney Docket: 26692 :
For: PROCESSES FOR SYNTHESIZING 1-(2-ETHYLBUTYL)CYCLOHEXANE CARBONITRILE :

The petition to revive under 37 CFR 1.137(b) filed 03 February 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (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/

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT and TRADEMARK OFFICE

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P.O BOX 1450
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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

MAILED

APR 05 2011

PCT LEGAL ADMINISTRATION

In re Application of : DECISION ON
ITOH et al :
Application No.: 13/057,381 :
PCT No.: PCT/JP2009/002016 :
Filing Date: 08 May 2009 : PETITION UNDER
Priority Date: 09 May 2008 :
Attorney's Docket No.: 5734-110057 :
For: Green Emitting Phosphor : 37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed 3 February 2011.

BACKGROUND

On 08 May 2009, this international application was filed, claiming an earliest priority date of 09 May 2008.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 09 November 2010. This international application became abandoned with respect to the United States at midnight on 09 November 2010 for failure to pay the required basic national fee.

On 03 February 2011 , applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/057,381	06/15/2011	Jun-ichi Itoh	5734-110057	2443

28289 7590 08/03/2011

THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH, PA 15222

EXAMINER	
ART UNIT	PAPER NUMBER
1734	

NOTIFICATION DATE	DELIVERY MODE
08/03/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@webblaw.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

August 2, 2011

WG

In re application of	:	DECISION ON REQUEST TO
Jun-Ichi Itoh et al.	:	PARTICIPATE IN PATENT
Serial No. 13/057,381	:	PROSECUTION HIGHWAY
Filed: June 15, 2011	:	PROGRAM AND
For: GREEN EMITTING PHOSPHOR	:	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 June 15, 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of :
Kara et al. :
Application No. 13/057,382 : ON PETITION
Filed: February 3, 2011 :
Attorney Docket No. 056258-5137 :

This is a decision on the petition under 37 CFR 1.182, filed, April 29, 2011, to change the name of inventor "Rachel Yvonne BODDY" to – Rachel Yvonne RICHER –.

The petition is **DISMISSED**.

The petition under 37 CFR 1.182 to change an inventor's name must include (1) an appropriate petition fee, (2) a statement signed by the inventor setting forth both names and (3) the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner has failed to comply with item (2) listed above. *See* MPEP 605.04(c). Any renewed petition should include a statement from the inventor. No further petition fee is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORGAN LEWIS & BOCKIUS LLP (WA)
KAREN CATALANO
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED

SEP 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Kara et al.	:	
Application No. 13/057,382	:	DECISION ON PETITION
Filed: February 3, 2011	:	
Attorney Docket No. 056258-5137	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed, August 2, 2011, to change the name of inventor "Rachel Yvonne BODDY" to – Rachel Yvonne RICHER –.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A Filing Receipt, which will reflect the inventor's change of name, will be generated upon completion of the pre-examination processing.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206. Any questions concerning the examination procedures or status of the application should be directed to the Office of Patent Application Processing.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

STATEMENT

I, Kuniaki KAWAMURA of Nippon Brunswick Bldg. 9th Floor, 5-27-7, Sendagaya, Shibuya-ku, Tokyo 151-0051 JAPAN hereby, declare that I am the conversant with Japanese and English languages and that I am the translator of the documents attached and certify that to the best of my knowledge and belief the attached is a true and correct translation of:

The claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application No. PCT/JP2009/060175

K. Kawamura

Kuniaki KAWAMURA

January 26, 2011

Date

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/057,388	Filing date:	February 3, 2011
First Named Inventor:	Toshiyuki TERADA		
Title of the Invention:	GAME DEVICE, METHOD FOR CONTROLLING GAME DEVICE, PROGRAM, AND INFORMATION 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/JP2009/060175

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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/057,388
First Named Inventor:	Toshiyuki TERADA

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 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 February 3, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
	1	The claim 1 of this U.S. Patent Application is the same as the claim 1 of the corresponding PCT application.
	2	The claim 2 of this U.S. Patent Application is the same as the claim 2 of the corresponding PCT application.
	3	The claim 3 of this U.S. Patent Application is the same as the claim 3 of the corresponding PCT application.
	4	The claim 4 of this U.S. Patent Application is the same as the claim 4 of the corresponding PCT application.
	5	The claim 5 of this U.S. Patent Application is the same as the claim 5 of the corresponding PCT application.
	6	The claim 6 of this U.S. Patent Application is the same as the claim 6 of the corresponding PCT application.
	7	The claim 7 of this U.S. Patent Application is the same as the claim 7 of the corresponding PCT application.
	8	The claim 8 of this U.S. Patent Application is the same as the claim 8 of the corresponding PCT application.
	9	The claim 9 of this U.S. Patent Application is the same as the claim 9 of the corresponding PCT application.
	10	The claim 10 of this U.S. Patent Application is the same as the claim 10 of the corresponding PCT application.
	11	The claim 11 of this U.S. Patent Application is the same as the claim 11 of the corresponding PCT application.
	12	The claim 12 of this U.S. Patent Application is the same as the claim 12 of the corresponding PCT application.
	13	The claim 13 of this U.S. Patent Application has been cancelled.
	14	The claim 14 of this U.S. Patent Application and the claim 14 of the corresponding PCT Application are almost same except that the phrase "in non-transitory form"

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Alan J. Kasper/	Date February 11, 2011
Name (Print/Typed) Alan J. Kasper	Registration Number 25,426

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.

The claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application No. PCT/JP2009/060175

1. A game device for executing a sport game played between a user operated team and an opponent team using a moving object, comprising:

pass target selecting means for selecting a player character to be a pass target from among player characters belonging to the operated team, based on a user operation, in a case where a first player character which is a user operated target among player characters belonging to the operated team is in possession of the moving object;

operated target switching means for switching, if a second player character is selected as the pass target by the pass target selecting means, the user operated target from the first player character to the second player character;

first player control means for controlling an action of the first player character after the user operated target is switched from the first player character to the second player character by the operated target switching means; and

second player control means for moving the second player character based on a user operation, after the user operated target is switched from the first player character to the second player character by the operated target switching means,

wherein

the first player control means includes

movement control means for moving the first player character and the moving object, based on a position of a player character belonging to the opponent team,

means for determining whether or not a position/positions of the first player character or/and the moving object and a position of the second character satisfy a condition concerning a position/positions of the first player character or/and the moving object and a position of the second player character, and

means for causing, if it is determined that the condition is satisfied, the first player character to make a pass to the second player character.

2. The game device according to claim 1, wherein

the first player control means includes

means for determining whether or not a reference period of time has elapsed after a reference moment, and

means for causing, if it is determined that the reference period of time has elapsed after the reference moment, the first player character to make a pass to the second player character.

3. The game device according to claim 2, wherein the first player control means includes means for setting the reference period of time, based on a user operation.

4. The game device according to claim 2, further

comprising means for presenting to a user either a period of time elapsed after the reference moment or a remaining period of time until the reference period of time will have elapsed after the reference moment.

5. The game device according to claim 1, wherein

the first player control means includes

means for determining whether or not a reference period of time has elapsed after a reference moment, and

means for restricting, if it is determined that the reference period of time has elapsed after the reference moment, execution of moving control of the first player character and the moving object by the movement control means.

6. The game device according to claim 5, wherein the first player control means includes means for setting the reference period of time, based on a user operation.

7. The game device according to claim 5, further comprising means for presenting to a user either a period of time elapsed after the reference moment or a remaining period of time until the reference period of time will have elapsed after the reference moment.

8. The game device according to claim 1, wherein the first player control means includes means for determining a type of a pass from the first player character to the second

player character, based on a user operation.

9. The game device according to claim 1, further comprising means for restricting, if the first player character is not a player character which satisfies a predetermined first condition, switching of the user operated target by the operated target switching means or execution of control by the first player control means.

10. The game device according to claim 1, wherein if the first player character is in possession of the moving object, the pass target selecting means selects as a player character to be a pass target a player character which satisfies a predetermined second condition from among the player characters belonging to the operated team, based on a user operation.

11. The game device according to claim 1, further comprising:

means for encouraging a user to set action control information concerning action control of the player characters belonging to the operated team, and

means for controlling, after the user operated target is switched from the first player character to the second player character by the operated target switching means, actions of player characters other than the first player character and the second player character among the player characters

belonging to the operated team, based on the action control information set by the user,

wherein

if the first player character is in possession of the moving object, the pass target selecting means selects a player character to be a pass target from among the player characters belonging to the operated team, based on the action control information set by the user.

12. A method for controlling a game device for executing a sport game played between a user operated team and an opponent team using a moving object, comprising:

a pass target selecting step of selecting a player character to be a pass target from among player characters belonging to the operated team, based on a user operation, in a case where a first player character which is a user operated target among player characters belonging to the operated team is in possession of the moving object;

an operated target switching step of switching, if a second player character is selected as the pass target at the pass target selecting step, the user operated target from the first player character to the second player character;

a first player control step of controlling an action of the first player character after the user operated target is switched from the first player character to the second player character at the operated target switching step, and

a second player control step of moving the second player

character based on a user operation, after the user operated target is switched from the first player character to the second player character at the operated target switching step,

wherein

the first player control step includes

a movement control step of moving the first player character and the moving object, based on a position of a player character belonging to the opponent team,

a step of determining whether or not a position/positions of the first player character or/and the moving object and a position of the second character satisfy a condition concerning a position/positions of the first player character or/and the moving object and the position of the second player character, and

a step of causing, if it is determined that the condition is satisfied, the first player character to make a pass to the second player character.

13. A program for causing a computer to function as a game device for executing a sport game played between a user operated team and an opponent team using a moving object, the program for causing the computer to function as:

pass target selecting means for selecting a player character to be a pass target from among player characters belonging to the operated team, based on a user operation, in a case where a first player character which is a user operated target among player characters belonging to the operated team

is in possession of the moving object;

operated target switching means for switching, if a second player character is selected as the pass target by the pass target selecting means, the user operated target from the first player character to the second player character;

first player control means for controlling an action of the first player character after the user operated target is switched from the first player character to the second player character by the operated target switching means;

second player control means for moving the second player character based on a user operation, after the user operated target is switched from the first player character to the second player character by the operated target switching means,

wherein

the first player control means includes

movement control means for moving the first player character and the moving object, based on a position of a player character belonging to the opponent team,

means for determining whether or not a position/positions of the first player character or/and the moving object and a position of the second character satisfy a condition concerning a position/positions of the first player character or/and the moving object and the position of the second player character, and

means for causing, if it is determined that the condition is satisfied, the first player character to make a pass to the second player character.

14. A computer readable information storage medium storing a program for causing a computer to function as a game device for executing a sport game played between a user operated team and an opponent team using a moving object, the program for causing the computer to function as:

pass target selecting means for selecting a player character to be a pass target from among player characters belonging to the operated team, based on a user operation, in a case where a first player character which is a user operated target among player characters belonging to the operated team is in possession of the moving object;

operated target switching means for switching, if a second player character is selected as the pass target by the pass target selecting means, the user operated target from the first player character to the second player character;

first player control means for controlling an action of the first player character after the user operated target is switched from the first player character to the second player character by the operated target switching means; and

second player control means for moving the second player character based on a user operation, after the user operated target is switched from the first player character to the second player character by the operated target switching means,

wherein

the first player control means includes

movement control means for moving the first player

character and the moving object, based on a position of a player character belonging to the opponent team,

means for determining whether or not a position/positions of the first player character or/and the moving object and a position of the second character satisfy a condition concerning a position/positions of the first player character or/and the moving object and the position of the second player character, and

means for causing, if it is determined that the condition is satisfied, the first player character to make a pass to the second player character.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/057,388	02/03/2011	Toshiyuki Terada	Q122917	2483

23373 7590 04/11/2011

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
VO, PETER DUNG BA

ART UNIT	PAPER NUMBER
3718	

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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
TERADA, TOSHIYUKI et al	:	DECISION ON REQUEST TO
Application No. 13/057,388	:	PARTICIPATE IN PATENT
Filed: Feb. 3, 2011	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. Q122917	:	PROGRAM AND PETITION
For: GAME DEVICE, METHOD FOR	:	TO MAKE SPECIAL UNDER
CONTROLLING GAME DEVICE,	:	37 CFR 1.102(a)
PROGRAM, AND INFORMATION STORAGE MEDIUM		

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 18, 2011, to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Items #2, #5 and #6 above.

The request to participate in the PPH pilot program and petition fail to include a copy of the latest international work product (the written opinion or the IPER) from the PCT application showing claims 1-13 and 14 are allowable. The applicant is encouraged to cite prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **dismissed.**

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Toshiyuki TERADA, et al.

Appln. No.: 13/057,388

Confirmation No.: 2483

Filed: February 3, 2011

Docket No: Q122917

Group Art Unit: 3718

Examiner: VO, PETER DUNG BA

For: GAME DEVICE, METHOD FOR CONTROLLING GAME DEVICE, PROGRAM, AND INFORMATION STORAGE MEDIUM

REQUEST FOR RECONSIDERATION OF DECISION ON REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION 37 C.F.R. § 1.102(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Request to Participate in Patent PCT/Prosecution Highway Program and Petition 37 C.F.R. § 1.102(a) mailed April 11, 2011, and further to the Request and Petition filed February 11, 2011, please consider the remarks as follows on the accompanying pages.

REMARKS

In the Decision on Petition mailed April 11, 2011, Special Programs Examiner Henry C. Yuen has dismissed Applicants' Request to Participate in the PPH Program (the "Request"), which was filed on April 11, 2011, on several grounds.

As a preliminary matter, however, Applicants wish to express their appreciation for the Examiner's time and effort in discussing the basis for the decision with the Applicants' representative on April 25, 2011. Applicants are filing this response, along with the accompanying materials, on the basis of the comments made by the Examiner. If additional information is needed, the Examiner is respectfully requested to contact the undersigned immediately so that any issues can be resolved.

Basis for Decision and Reply

The Examiner specified at page 2 of the decision that Applicants did not satisfy three of six requirements for a favorable decision of a Request for the present application. Specifically, the Examiner noted the requirements for the following sections, for which Applicants have the appended reply:

Section (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.

At the time Applicants filed their Request, Applicants submitted a copy of the Japanese text of the International Search Report (PCT/ISA/210) and an English translation thereof, showing the only documents considered relevant to all of pending claims 1-14 were identified by the

Examiner as category "A". At the time of filing the Request, an English translation of the Written Opinion was not available. Applicants submit herewith a copy of an English translation of the Written Opinion of the International Searching Authority (PCT/ISA/237) for the above-referenced application indicating that claims 1-14 meet the requirements of novelty, inventive step and industrial applicability;

Section (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.

On February 11, 2011, Applicants submitted a copy of the allowable claims 1-14 with a verification of translation. A copy of the efiling receipt identifying those documents are submitted herewith. In addition, Applicants submit herewith for the Examiner's convenience an additional copy of the English language version of the allowable claims 1-14 and the verification statement; and

Section (6): Applicant must submit an IDS listing 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 the International Search Report (PCT/ISA/210) three references were cited, JP 2004-329531, JP 2008-54760, and JP 2007-260157. In the Written Opinion (PCT/ISA/237) the same three references were cited. The IDS filed by Applicants on February 3, 2011 included these three references. Applicants also cited US 2010/0248804, US 2009/0170600, and JP 2007-167141 in the same IDS Applicants provided a copy of all the cited references (except for the US

references) on February 3, 2011, when the application was initially filed. These references have also been marked on the efiling receipt as further confirmation. Applicants submit herewith copies of the references previously submitted for the Examiner's convenience.

Grant of this Request for Reconsideration, as well as entry and consideration of the Request filed on February 11, 2011 is respectfully requested.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Alan J. Kasper/

Alan J. Kasper
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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: April 25, 2011

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 KN-0656	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/060175	03.06.2009	05.08.2008

International Patent Classification (IPC) or both national classification and IPC

Applicant
KONAMI DIGITAL ENTERTAINMENT CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☐ Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/060175

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/JP2009/060175

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2004-329531 A (Namco Ltd.), 25 November 2004, entire text; fig. 1-28

Document 2: JP 2008-54760 A (Konami Digital Entertainment Co., Ltd.), 13 March 2008, entire text; fig. 1-11

Document 3: JP 2007-260157 A (Konami Digital Entertainment Co., Ltd.), 11 October 2007, entire text; fig. 1-12

The invention as in claims 1-14 is not disclosed in any of the documents cited in the ISR and would not be obvious to a person skilled in the art.

In particular, none of the documents discloses a "game device that implements a sports game carried out between a user operation target team and an opposing team using a moving object," including a "first player control means that controls the movement of the aforementioned first player character after the aforementioned user operation target changes from the aforementioned first player character to the aforementioned second player

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

character by means of the aforementioned operation target change means," wherein "the aforementioned first player control means includes a movement control means that moves the aforementioned first player character and the aforementioned moving object on the basis of the position of a player character belonging to the aforementioned opposing team, a means that determines whether the positions of the aforementioned first player character and/or the aforementioned moving object and the position of the aforementioned second player character satisfy conditions related to the positions of the aforementioned first player character and/or the aforementioned moving object and the position of the aforementioned second player character, and a means that makes the aforementioned first player character pass to the aforementioned second player character when it is determined that the aforementioned conditions are satisfied."

The claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application No. PCT/JP2009/060175

1. A game device for executing a sport game played between a user operated team and an opponent team using a moving object, comprising:

pass target selecting means for selecting a player character to be a pass target from among player characters belonging to the operated team, based on a user operation, in a case where a first player character which is a user operated target among player characters belonging to the operated team is in possession of the moving object;

operated target switching means for switching, if a second player character is selected as the pass target by the pass target selecting means, the user operated target from the first player character to the second player character;

first player control means for controlling an action of the first player character after the user operated target is switched from the first player character to the second player character by the operated target switching means; and

second player control means for moving the second player character based on a user operation, after the user operated target is switched from the first player character to the second player character by the operated target switching means,

wherein

the first player control means includes

movement control means for moving the first player character and the moving object, based on a position of a player character belonging to the opponent team,

means for determining whether or not a position/positions of the first player character or/and the moving object and a position of the second character satisfy a condition concerning a position/positions of the first player character or/and the moving object and a position of the second player character, and

means for causing, if it is determined that the condition is satisfied, the first player character to make a pass to the second player character.

2. The game device according to claim 1, wherein

the first player control means includes

means for determining whether or not a reference period of time has elapsed after a reference moment, and

means for causing, if it is determined that the reference period of time has elapsed after the reference moment, the first player character to make a pass to the second player character.

3. The game device according to claim 2, wherein the first player control means includes means for setting the reference period of time, based on a user operation.

4. The game device according to claim 2, further

comprising means for presenting to a user either a period of time elapsed after the reference moment or a remaining period of time until the reference period of time will have elapsed after the reference moment.

5. The game device according to claim 1, wherein the first player control means includes

means for determining whether or not a reference period of time has elapsed after a reference moment, and

means for restricting, if it is determined that the reference period of time has elapsed after the reference moment, execution of moving control of the first player character and the moving object by the movement control means.

6. The game device according to claim 5, wherein the first player control means includes means for setting the reference period of time, based on a user operation.

7. The game device according to claim 5, further comprising means for presenting to a user either a period of time elapsed after the reference moment or a remaining period of time until the reference period of time will have elapsed after the reference moment.

8. The game device according to claim 1, wherein the first player control means includes means for determining a type of a pass from the first player character to the second

player character, based on a user operation.

9. The game device according to claim 1, further comprising means for restricting, if the first player character is not a player character which satisfies a predetermined first condition, switching of the user operated target by the operated target switching means or execution of control by the first player control means.

10. The game device according to claim 1, wherein if the first player character is in possession of the moving object, the pass target selecting means selects as a player character to be a pass target a player character which satisfies a predetermined second condition from among the player characters belonging to the operated team, based on a user operation.

11. The game device according to claim 1, further comprising:

means for encouraging a user to set action control information concerning action control of the player characters belonging to the operated team, and

means for controlling, after the user operated target is switched from the first player character to the second player character by the operated target switching means, actions of player characters other than the first player character and the second player character among the player characters

belonging to the operated team, based on the action control information set by the user,

wherein

if the first player character is in possession of the moving object, the pass target selecting means selects a player character to be a pass target from among the player characters belonging to the operated team, based on the action control information set by the user.

12. A method for controlling a game device for executing a sport game played between a user operated team and an opponent team using a moving object, comprising:

a pass target selecting step of selecting a player character to be a pass target from among player characters belonging to the operated team, based on a user operation, in a case where a first player character which is a user operated target among player characters belonging to the operated team is in possession of the moving object;

an operated target switching step of switching, if a second player character is selected as the pass target at the pass target selecting step, the user operated target from the first player character to the second player character;

a first player control step of controlling an action of the first player character after the user operated target is switched from the first player character to the second player character at the operated target switching step, and

a second player control step of moving the second player

character based on a user operation, after the user operated target is switched from the first player character to the second player character at the operated target switching step,

wherein

the first player control step includes

a movement control step of moving the first player character and the moving object, based on a position of a player character belonging to the opponent team,

a step of determining whether or not a position/positions of the first player character or/and the moving object and a position of the second character satisfy a condition concerning a position/positions of the first player character or/and the moving object and the position of the second player character, and

a step of causing, if it is determined that the condition is satisfied, the first player character to make a pass to the second player character.

13. A program for causing a computer to function as a game device for executing a sport game played between a user operated team and an opponent team using a moving object, the program for causing the computer to function as:

pass target selecting means for selecting a player character to be a pass target from among player characters belonging to the operated team, based on a user operation, in a case where a first player character which is a user operated target among player characters belonging to the operated team

is in possession of the moving object;

operated target switching means for switching, if a second player character is selected as the pass target by the pass target selecting means, the user operated target from the first player character to the second player character;

first player control means for controlling an action of the first player character after the user operated target is switched from the first player character to the second player character by the operated target switching means;

second player control means for moving the second player character based on a user operation, after the user operated target is switched from the first player character to the second player character by the operated target switching means,

wherein

the first player control means includes

movement control means for moving the first player character and the moving object, based on a position of a player character belonging to the opponent team,

means for determining whether or not a position/positions of the first player character or/and the moving object and a position of the second character satisfy a condition concerning a position/positions of the first player character or/and the moving object and the position of the second player character, and

means for causing, if it is determined that the condition is satisfied, the first player character to make a pass to the second player character.

14. A computer readable information storage medium storing a program for causing a computer to function as a game device for executing a sport game played between a user operated team and an opponent team using a moving object, the program for causing the computer to function as:

pass target selecting means for selecting a player character to be a pass target from among player characters belonging to the operated team, based on a user operation, in a case where a first player character which is a user operated target among player characters belonging to the operated team is in possession of the moving object;

operated target switching means for switching, if a second player character is selected as the pass target by the pass target selecting means, the user operated target from the first player character to the second player character;

first player control means for controlling an action of the first player character after the user operated target is switched from the first player character to the second player character by the operated target switching means; and

second player control means for moving the second player character based on a user operation, after the user operated target is switched from the first player character to the second player character by the operated target switching means,

wherein

the first player control means includes

movement control means for moving the first player

character and the moving object, based on a position of a player character belonging to the opponent team,

means for determining whether or not a position/positions of the first player character or/and the moving object and a position of the second character satisfy a condition concerning a position/positions of the first player character or/and the moving object and the position of the second player character, and

means for causing, if it is determined that the condition is satisfied, the first player character to make a pass to the second player character.

STATEMENT

I, Kuniaki KAWAMURA of Nippon Brunswick Bldg. 9th Floor, 5-27-7, Sendagaya, Shibuya-ku, Tokyo 151-0051 JAPAN hereby, declare that I am the conversant with Japanese and English languages and that I am the translator of the documents attached and certify that to the best of my knowledge and belief the attached is a true and correct translation of:

The claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application No. PCT/JP2009/060175

K. Kawamura

Kuniaki KAWAMURA

January 26, 2011

Date

Electronic Acknowledgement Receipt

EFS ID:	9425006
Application Number:	13057388
International Application Number:	
Confirmation Number:	2483
Title of Invention:	GAME DEVICE, METHOD FOR CONTROLLING GAME DEVICE, PROGRAM, AND INFORMATION STORAGE MEDIUM
First Named Inventor/Applicant Name:	Toshiyuki TERADA
Customer Number:	23373
Filer:	Allison Michelle Tulino/sharmeisa wells
Filer Authorized By:	Allison Michelle Tulino
Attorney Docket Number:	Q122917
Receipt Date:	11-FEB-2011
Filing Date:	
Time Stamp:	15:34:35
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition to make special under Patent Prosecution Hwy	PPH.PDF	636939 80768fee1a74e4fb7d5c5de3380ded14852 3a3f1	no	3

Warnings:	
Information:	

2	Miscellaneous Incoming Letter	TRANSLATION_VERIFICATION.PDF	17330 b0c836c85c3e24b2d93442292cdd816bdf30be93	no	1
Warnings:					
Information:					
3	Claims	CLAIMS.PDF	40349 95747e96b38676f3500d83d9e4f32ed9a0e971ba	no	9
Warnings:					
Information:					
			Total Files Size (in bytes):	694618	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Electronic Acknowledgement Receipt

EFS ID:	9370258
Application Number:	13057388
International Application Number:	PCT/JP2009/060175
Confirmation Number:	2483
Title of Invention:	GAME DEVICE, METHOD FOR CONTROLLING GAME DEVICE, PROGRAM, AND INFORMATION STORAGE MEDIUM
First Named Inventor/Applicant Name:	Toshiyuki TERADA
Customer Number:	23373
Filer:	Sunhee Lee/sharmeisa wells
Filer Authorized By:	Sunhee Lee
Attorney Docket Number:	Q122917
Receipt Date:	03-FEB-2011
Filing Date:	
Time Stamp:	16:17:37
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$980
RAM confirmation Number	2819
Deposit Account	194880
Authorized User	SUGHRUE MION, PLLC
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. 1.492 (National application filing, search, and examination fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal of New Application	TRANSMITTAL_AS_FILED.PDF	116584 0f61c992415354d5c468699122095 46ef419112d	no	3
Warnings:					
Information:					
2	Application Data Sheet	ADS.PDF	1650106 c4e3b3b4303871de0a4cdf795847aaa4726c7674	no	6
Warnings:					
Information:					
3		SPECIFICATION.PDF	1826318 b6c1219593a67dad8e9757963f39feb8e3b4df2c	yes	49

Multipart Description/PDF files in .zip description

Document Description	Start	End
Specification	1	39
Claims	40	48
Abstract	49	49

Warnings:					
Information:					
4	Drawings-only black and white line drawings	DRAWINGS.PDF	113208 8d60be89365e4b45802069aabb2fc733f2ff261d	no	7
Warnings:					
Information:					
5	Oath or Declaration filed	Declaration.PDF	228298 b6f9dfa15a138e80008e4208d27a4a34ef1dfd2d	no	3
Warnings:					
Information:					
6	Documents submitted with 371 Applications	PCT_IB_311.PDF	35676 f2bb27262659d8899476cc7a993cda134bb90a29	no	1
Warnings:					
Information:					
7	Documents submitted with 371 Applications	PCT_IB_308.PDF	315909 0513820271c1fd38b6b464e8021d684295e182bb	no	2

Warnings:					
Information:					
8	Documents submitted with 371 Applications	PCT_IB_306.PDF	41246 7895248fa4852d185ab964c6ffa33e7fec38cf06	no	1
Warnings:					
Information:					
9	Documents submitted with 371 Applications	PCT_IB_304.PDF	65292 b5617c1fce4c4344e7d2d23d13f1b7ac0f4b9565	no	1
Warnings:					
Information:					
10	Documents submitted with 371 Applications	PCT_IB_301.PDF	136674 c8237635f4f0bfa474b0a3d54dd4e03f292bc059	no	2
Warnings:					
Information:					
11	Documents submitted with 371 Applications	INTERNATIONAL_SEARCH_REPORT.PDF	479780 1d6d0c6cdbde5565f650cc266caeca1759c699e7	no	4
Warnings:					
Information:					
12	Preliminary Amendment	PRELIMINARY_AMENDMENT_AS_FILED.PDF	102456 3f632a31feee59166dfa4516343eb985cd085f6c	no	10
Warnings:					
Information:					
13	Transmittal Letter	IDS_LETTER_AS_FILED.PDF	81091 105aa18763307f02299b0734b8381339623 4d0dc	no	2
Warnings:					
Information:					
14	Information Disclosure Statement (IDS) Filed (SB/08)	SB08_AS_FILED.PDF	98065 bad58c18ade9dfee841901c2200de420be99623f	no	2
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
15	Foreign Reference	REFERENCE_JP_2004_329531.PDF	8242763 35a742e08193ba1424c3f4b6aff41f54d957463c	no	145
Warnings:					
Information:					

16	Foreign Reference	REFERENCE_JP_2008_054760.PDF	1663806 623f9dbec1c4b9de41c6aef97771fb25a11962b8	no	24
Warnings:					
Information:					
17	Foreign Reference	REFERENCE_JP_2007_260157.PDF	2534201 a397e30b2f3821e7e51a9709e241a339665e06e8	no	48
Warnings:					
Information:					
18	Foreign Reference	REFERENCE_JP_2007_167141.PDF	1288542 29bbcd38a09c8779ead612dc076ec54d32d51b0c	no	21
Warnings:					
Information:					
19	Fee Worksheet (PTO-875)	fee-info.pdf	33384 c18448d2e4768ca9b7ca6b6b7ea643a6401ff151	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	19053399		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/057,388	02/03/2011	Toshiyuki Terada	Q122917	2483

23373 7590 04/28/2011

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
VO, PETER DUNG BA

ART UNIT	PAPER NUMBER
3718	

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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
TERADA, TOSHIYUKI et al	:	DECISION ON REQUEST TO
Application No. 13/057,388	:	PARTICIPATE IN PATENT
Filed: Feb. 3, 2011	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. Q122917	:	PROGRAM AND PETITION
For: GAME DEVICE, METHOD FOR CONTROLLING GAME DEVICE, PROGRAM, AND INFORMATION STORAGE MEDIUM	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 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 JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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 463/4 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: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/057,388	Filing date:	February 3, 2011
First Named Inventor:	Toshiyuki TERADA		
Title of the Invention:	GAME DEVICE, METHOD FOR CONTROLLING GAME DEVICE, PROGRAM, AND INFORMATION 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/JP2009/060175

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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PTO/SB/20PCT-JP (05-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/057,388
First Named Inventor:	Toshiyuki TERADA

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 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 February 3, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
	1	The claim 1 of this U.S. Patent Application is the same as the claim 1 of the corresponding PCT application.
	2	The claim 2 of this U.S. Patent Application is the same as the claim 2 of the corresponding PCT application.
	3	The claim 3 of this U.S. Patent Application is the same as the claim 3 of the corresponding PCT application.
	4	The claim 4 of this U.S. Patent Application is the same as the claim 4 of the corresponding PCT application.
	5	The claim 5 of this U.S. Patent Application is the same as the claim 5 of the corresponding PCT application.
	6	The claim 6 of this U.S. Patent Application is the same as the claim 6 of the corresponding PCT application.
	7	The claim 7 of this U.S. Patent Application is the same as the claim 7 of the corresponding PCT application.
	8	The claim 8 of this U.S. Patent Application is the same as the claim 8 of the corresponding PCT application.
	9	The claim 9 of this U.S. Patent Application is the same as the claim 9 of the corresponding PCT application.
	10	The claim 10 of this U.S. Patent Application is the same as the claim 10 of the corresponding PCT application.
	11	The claim 11 of this U.S. Patent Application is the same as the claim 11 of the corresponding PCT application.
	12	The claim 12 of this U.S. Patent Application is the same as the claim 12 of the corresponding PCT application.
	13	The claim 13 of this U.S. Patent Application has been cancelled.
	14	The claim 14 of this U.S. Patent Application and the claim 14 of the corresponding PCT Application are almost same except that the phrase "in non-transitory form"

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Alan J. Kasper/	Date February 11, 2011
Name (Print/Typed) Alan J. Kasper	Registration Number 25,426

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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 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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STATEMENT

I, Kuniaki KAWAMURA of Nippon Brunswick Bldg. 9th Floor, 5-27-7, Sendagaya, Shibuya-ku, Tokyo 151-0051 JAPAN hereby, declare that I am the conversant with Japanese and English languages and that I am the translator of the documents attached and certify that to the best of my knowledge and belief the attached is a true and correct translation of:

The claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application No. PCT/JP2009/060175

K. Kawamura

Kuniaki KAWAMURA

January 26, 2011

Date

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The claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application No. PCT/JP2009/060174

1. A game device for executing a game, comprising:

parameter storage means for storing a parameter of a game character;

parameter condition storage means for storing a parameter condition so as to be correlated to an operation value condition;

operation value obtaining means for obtaining an operation value based on a user's operation;

determination means for determining whether or not the parameter satisfies a parameter condition correlated to an operation value condition satisfied by the operation value obtained by the operation value obtaining means; and

control means for controlling an action of the game character, based on a result of determination by the determination means.

2. The game device according to claim 1, wherein the control means controls behavior of a target which is a target for an action of the game character, based on a result of determination by the determination means.

3. The game device according to claim 1, wherein

the parameter condition storage means stores a parameter

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value range so as to be correlated to an operation value range,

the determination means determines whether or not a value of the parameter belongs to the parameter value range correlated to the operation value range to which the operation value obtained by the operation value obtaining means belongs, and

the control means, in a case where the determination means determines that the value of the parameter does not belong to the parameter value range, controls an action of the game character, based on a difference between the value of the parameter and a representative value of the parameter value range.

4. The game device according to claim 1, wherein

the parameter condition storage means stores a parameter value range so as to be correlated to an operation value range,

the determination means determines whether or not a value of the parameter belongs to the parameter value range correlated to the operation value range to which the operation value obtained by the operation value obtaining means belongs, and

the control means, in a case where the determination means determines that the value of the parameter does not belong to the parameter value range, controls an action of the game character, based on a difference between the operation value obtained by the operation value obtaining means and a representative value of the operation value range correlated

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to the parameter value range to which the value of the parameter belongs.

5. The game device according to claim 1, wherein

the game is a sport game which is played using a moving object,

the game character is a player character,

the parameter includes a dribble parameter concerning a dribble action of the player character,

the operation value obtaining means obtains an operation value based on a dribble operation for causing the player character to perform a dribble action,

the control means includes dribble action control means for controlling the dribble action of the player character, based on a result of determination by the determination means, and

the dribble action control means, in a case where the determination means determines that the dribble parameter does not satisfy the parameter condition, controls the dribble action of the player character such that a distance between the player character performing the dribble action and the moving object becomes larger, compared to a case in which the determination means determines that the dribble parameter satisfies the parameter condition.

6. The game device according to claim 1, wherein

the game is a sport game which is played using a moving

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object,

the game character is a player character,

the parameter includes a pass parameter concerning a pass action of the player character,

the operation value obtaining means obtains an operation value based on a pass operation for causing the player character to perform a pass action,

the control means includes pass action control means for controlling the pass action of the player character, based on a result of determination by the determination means, and

the pass action control means, in a case where the determination means determines that the pass parameter does not satisfy the parameter condition, controls the pass action of the player character such that a displacement between a pass direction designated by a user and a pass direction of the player character becomes larger, compared to a case in which the determination means determines that the pass parameter satisfies the parameter condition.

7. The game device according to claim 1, wherein

the game is a sport game which is played using a moving object,

the game character is a player character,

the parameter includes a shoot parameter concerning a shoot action of the player character,

the operation value obtaining means obtains an operation value based on a shoot operation for causing the player

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character to perform a shoot action,

the control means includes shoot action control means for controlling the shoot action of the player character, based on a result of determination by the determination means,

the shoot action control means, in a case where the determination means determines that the shoot parameter does not satisfy the parameter condition, controls the shoot action of the player character such that a displacement between a shoot direction designated by a user and a shoot direction of the player character becomes larger, compared to a case in which the determination means determines that the shoot parameter satisfies the parameter condition.

8. The game device according to claim 1, wherein the control means controls a type of action of the game character, based on a result of determination by the determination means.

9. The game device according to claim 1, wherein

the game is a sport game which is played using a moving object,

the game character is a player character,

the game device further comprises

pointed position obtaining means for obtaining a position pointed at by a user, and

receiving means for receiving, in a case where the user points at the moving object, an input operation of a movement trajectory of the moving object,

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the operation value obtaining means obtains an operation value concerning an input operation of the movement trajectory of the moving object, and

the control means controls an action of the player character, based on the movement trajectory of the moving object input by the user and a result of determination by the determination means.

10. A method for controlling a game device for executing a game, comprising:

a step of reading content stored in parameter storage means for storing a parameter of a game character;

a step of reading content stored in parameter condition storage means for storing a parameter condition so as to be correlated to an operation value condition;

an operation value obtaining step of obtaining an operation value based on a user's operation;

a determination step of determining whether or not the parameter satisfies a parameter condition correlated to an operation value condition satisfied by the operation value obtained at the operation value obtaining step; and

a control step of controlling an action of the game character, based on a result of determination at the determination step.

11. A program for causing a computer to function as a game device for executing a game, the program for causing the

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computer to function as:

means for reading content stored in parameter storage means for storing a parameter of a game character;

means for reading content stored in parameter condition storage means for storing a parameter condition so as to be correlated to an operation value condition;

operation value obtaining means for obtaining an operation value based on a user's operation;

determination means for determining whether or not the parameter satisfies a parameter condition correlated to an operation value condition satisfied by the operation value obtained by the operation value obtaining means; and

control means for controlling an action of the game character, based on a result of determination by the determination means.

12. A computer readable information storage medium storing a program for causing a computer to function as a game device for executing a game, the program for causing the computer to function as:

means for reading content stored in parameter storage means for storing a parameter of a game character;

means for reading content stored in parameter condition storage means for storing a parameter condition so as to be correlated to an operation value condition;

operation value obtaining means for obtaining an operation value based on a user's operation;

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determination means for determining whether or not the parameter satisfies a parameter condition correlated to an operation value condition satisfied by the operation value obtained by the operation value obtaining means; and

control means for controlling an action of the game character, based on a result of determination by the determination means.

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Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
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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 KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:		Filing date:	2011.02.03
First Named Inventor:	Sathish Veeraraghavan		
Title of the Invention:	Localized Substrate Geometry Characterization		

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/US2009/055313

The international date of the corresponding PCT application(s) is/are: 2009.08.28

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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	Sathish Veeraraghavan

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 2011.02.03

(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
1-49	1-49	identical claims except for corrected typo's and antecedents

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /rwbarnesjr/	Date 2011.02.03
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
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.
13/057,434	02/03/2011	Sathish Veeraraghavan	65224.US	2795

60838 7590 04/20/2011

LNG/KLA JOINT CUSTOMER
C/O LUEDEKA, NEELY & GRAHAM, P.C.
P.O. BOX 1871
KNOXVILLE, TN 37901

EXAMINER	
ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
04/20/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cwilliams@Lng-patent.com
sharden@Lng-patent.com
Rick@TheBarnesHome.com

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LNG/KLA JOINT CUSTOMER
C/O LUEDEKA, NEELY & GRAHAM, P.C.
P.O. BOX 1871
KNOXVILLE TN 37901

In re Application of	
VEERARAGHAVAN et al.	**: DECISION ON REQUEST TO**
Application No.: 13/057,434	**: PARTICIPATE IN THE PATENT**
Filed: 03 February 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 65224.US	**: PROGRAM AND PETITION**
For: LOCALIZED SUBSTRATE	**: TO MAKE SPECIAL UNDER**
GEOMETRY CHARACTERIZATION	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 03 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof (if not in English);

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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Dann, Dorfman, Herrell & Skillman
1601 Market Street
Suite 2400
Philadelphia PA 19103-2307

MAILED

APR 20 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BERNASCONI et al. :
Application No.: 13/057,462 : DECISION ON PETITION
PCT No.: PCT/EP2009/002183 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 25 March 2009 :
Priority Date: 24 April 2008 :
Attorney Docket No.: B-6848PCT 625941-1 :
For: PROCESS FOR THE CONTINUOUS CYCLE RECYCLING OF MATERIALS CONTAINED IN PRODUCTS COUPLED TO OTHER MATERIALS BY DISINTEGRATION THROUGH WATER JETS AT HIGH/ULTRA HIGH PRESSURE AND PRODUCTS OBTAINED IN THIS WAY :

This communication is issued in response to the "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 03 February 2011.

The petition under 37 CFR 1.137(b) was signed only by Vittorio Perregrini, one of two applicants of record herein (the second applicant of record, as set forth on the published international application, is Brunello Bernasconi).

37 CFR 1.33(b) states that all papers filed in a patent application must be signed by:

> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
>
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Application No. 13/057,462

Because the present petition is not executed by the second applicant, his properly registered agent or attorney, or an assignee that has properly established ownership of the application, the petition is considered an unsigned communication pursuant to 37 CFR 1.33(b). As such, the petition cannot be considered on its merits.

The petition has been placed in the application file, but no further action will be taken thereon.

The present application remains ABANDONED.

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
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

MAILED

OCT 24 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BERNASCONI et al. :
Application No.: 13/057,462 :
PCT No.: PCT/EP2009/002183 : DECISION ON PETITION
Int. Filing Date: 25 March 2009 :
Priority Date: 24 April 2008 :
Attorney Docket No.: B-6848PCT 625941-1 :
For: PROCESS FOR THE CONTINUOUS CYCLE RECYCLING OF MATERIALS CONTAINED IN PRODUCTS COUPLED TO OTHER MATERIALS BY DISINTEGRATION THROUGH WATER JETS AT HIGH/ULTRA HIGH PRESSURE AND PRODUCTS OBTAINED IN THIS WAY :

The renewed petition to revive under 37 CFR 1.137(b) filed 14 October 2011 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the 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
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

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Manuela Singer
Andreasbergerstrabe 2
Herzberg am Harz
Niedersachsen 37412 DE GERMANY

MAILED

JUN 21 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SINGER et al. :
Application No.: 13/057,503 (12/931,686) :
Filing Date: 04 February 2011 : DECISION
Attorney's Docket No.: None :
For: REUSABLE MEDICAL PROTECTIVE :
CLOTHING FOR PETS AND FARMS ANIMALS :
AFTER SURGERIES AND WITH SKIN DISEASES:

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371 in the United States Patent and Trademark Office. This is also in response to applicant's petition under for a refund filed on 23 March 2011.

BACKGROUND

On 27 July 2009, applicant filed international application PCT/DE09/01043 which claimed a priority date of 07 August 2008.

On 04 February 2011, applicant submitted, via EFS-WEB, application papers including an Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (Form PTO-1390). The Electronic Acknowledgement Receipt indicated that the application was a 371 of International PCT/DE09/01043. Applicant also submitted the application pursuant to 35 U.S.C. 111(a) by using a "Utility Patent Application Transmittal (Only for new non-provisional applications under 37 CFR 1.53(b)" (Form PTO/SB/05). The papers were assigned application number 13/057,503.

Thereafter, applicant, by postal mail, submitted a duplicate copy of these papers to the USPTO, received on 07 February 2011 and assigned application number 12/931,686.

Fees for both applications were charged to applicant's credit card per his authorization.

On 23 March 2011, applicant filed the instant petition requesting that a refund of a duplicate fee for a duplicate application 12/931,686.

DISCUSSION

The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted . . . must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise the submission will be considered as being made under 35 U.S.C. 111(a).

Inspection of the instant application file reveals that the transmittal letter filed on 04 February 2011referenced 35 U.S.C. 371, and indicated which international application sought to enter the national stage in the United States. However, applicant also sent the "Utility Patent Application Transmittal Letter". This constitutes a conflicting instruction because it specifies treatment under 35 U.S.C. 111(a) as opposed to 371.

In view of the above, it is proper to treat the initial filing as a filing under 35 U.S.C. 111(a).

Applicant's request for a refund of all fees charged to applicant's credit card is GRANTED in application 12/931,686. The papers filed on 07 February 2011 are a duplicate of those filed electronically. The serialization of application number 12/931,686 is VACATED.

CONCLUSION

Applicant's request for refund is **GRANTED**. All fees charged in application 12/931,686 have been refunded.

U. S. Application 13/057,503 filed on 04 February 2011 will be treated as a U.S. application filed under 35 U.S.C. 111(a) with a filing date of 04 February 2011.

This application is being referred to the National Stage Processing Branch of the office of PCT Operations for removal of all Article 20 papers and processing of the above referenced application as a U.S. application filed under 35 U.S.C. 111(a) with a filing date of 04 February 2011. The application will be forwarded to Office of Patent Application Processing (OPAP) for further processing. The serialization of application number 12/931,686 is **VACATED**.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor

PCT Legal Office
Office of PCT Legal Administration

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Facsimile: (571) 273-0459

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MAILED
DEC 27 2011
PCT LEGAL ADMINISTRATION

In re Application of :
SINGER et al. :
Application No.: 13/057,503 (12/931,686) :
Filing Date: 04 February 2011 : DECISION
Attorney's Docket No.: None :
For: REUSABLE MEDICAL PROTECTIVE :
CLOTHING FOR PETS AND FARMS ANIMALS :
AFTER SURGERIES AND WITH SKIN DISEASES:

This communication is responsive to applicant's "Petition for Filing of 35 U.S.C. 371 application" filed in the United States Patent and Trademark Office on 17 October 2011.

On 04 February 2011, applicant submitted, via EFS-WEB, application papers including an "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371" (Form PTO-1390). Applicant also submitted a "Utility Patent Application Transmittal (Only for new non-provisional applications under 37 CFR 1.53(b)" (Form PTO/SB/05), which is an indication that applicant wishes the application to be filed under 35 U.S.C. 111(a). The papers were assigned application number 13/057,503.[1]

DISCUSSION

Applicant now asks for an explanation regarding the treatment of the application under 35 U.S.C. 111. As stated in the MPEP section 1893.03(a), the USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively, under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly *and unambiguously* be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g). A conflicting instruction will be present, as in this case, where applicant includes in the initial submission under 35 U.S.C.371, a Utility transmittal letter (Form PTO/SB/05) and

[1] Thereafter, applicant, by postal mail, submitted a duplicate copy of these papers to the USPTO, received on 07 February 2011 and assigned application number 12/931,686. Fees for both applications were charged to applicant's credit card per his authorization. These papers were a duplicate of those filed electronically and the serialization of application number 12/931,686 was vacated. On 23 March 2011, applicant filed a petition requesting that a refund of a duplicate fee for a duplicate application 12/931,686. The refund request was granted.

the transmittal letter concerning a submission under 35 U.S.C. 371 (Form PTO-1390). This filing is ambiguous and constitutes a conflicting instruction because it specifies treatment under 35 U.S.C. 111(a) as opposed to 371. As set forth in the MPEP, the policy of the USPTO is to treat such submissions as applications under 35 U.S.C. 111(a).

U.S. statutes and regulations do not make specific provisions for converting an application filed under 35 U.S.C. 111(a) to a national stage application filed under 35 U.S.C. 371 and, as such, the Office does not grant petitions for such conversions as a matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause necessitating such conversion (i.e., the loss of patent rights) and where no other remedy is available. The present petition does not include any such showing.

Based on the above, the application papers filed 04 February 2011 were properly processed under 35 U.S.C. 111(a), and applicant has failed to demonstrate sufficient cause that would justify a conversion. On this record, granting of a petition to convert the application to a filing under 35 U.S.C. 371 is not appropriate. Applicant may wish to consider filing a petition under 37 CFR 1.78 to claim benefit to prior-filed applications. *See* MPEP section 1895.01 and 201.11(a).

If applicant seeks to file a national stage application for PCT international application PCT/DE09/01043, applicant may wish to consider filing a petition to revive his abandoned international application under 37 CFR 1.137(a) or (b). The appropriate forms and relevant MPEP section 711.03(c) can be located at www.upsto.gov. Petitions under 37 CFR 1.137(b) are less burdensome (statement(s) rather than a showing accompanied by documentary evidence) to file and are evaluated under the less stringent "unintentional delay" standard. Applicant is reminded that the filing of any petition under the unintentional standard cannot be intentionally delayed. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay was unintentional. A statement that the delay was unintentional is not appropriate if the petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). The proper reply would be payment of the basic national fee.

CONCLUSION

For the reasons set forth above, Applicant's "Petition for Filing of 35 U.S.C. 371 application" is **DISMISSED**. Application no. 13/057,503 remains an application filed under 35 U.S.C. 111(a).

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
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**FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413**

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of
Hitoshi MATSUSHIMA et al.
Application No.: 13/057,509
Filed: February 04, 2011
Attorney Docket No.: 03284.0120-00000
For: KNEE AIRBAG DEVICE FOR VEHICLE

: 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 September 08, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim, or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
i. validly claims priority to an application filed in the JPO, or
ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;
3. Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;
6. Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Thurman K. Page
Petitions Examiner
Office of Petitions

Doc Code: PPH.PET.652

Document Description: Petition to make special under Patent Pros Hwy

PTO/SB/20JP (07-11)
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 PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/057,509	Filing Date:	February 4, 2011
First Named Inventor:	Hitoshi MATSUSHIMA		
Attorney Docket No.:	03284.0120-00000		
Title of the Invention:	KNEE AIRBAG DEVICE FOR VEHICLE		

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 JPO 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 JPO application number(s) is/are: JP 2008-203262

The filing date of the JPO application(s) is/are: August 6, 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 February 4, 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 4, 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 (07-11)
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.

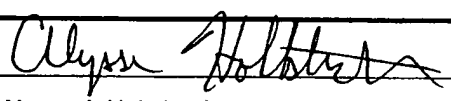
REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO
(continued)

Application No.:	13/057,509
First Named Inventor:	Hitoshi MATSUSHIMA

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JPO Application	Explanation regarding the correspondence
1	1	U.S. claim 1 sufficiently corresponds to patentable JP claim 1.
4	2	U.S. claim 4 sufficiently corresponds to patentable JP claim 2.
5	3	U.S. claim 5 sufficiently corresponds to patentable JP claim 3,
		except U.S. claim 5 is not a multiple dependent claim.
14	4	U.S. claim 14 sufficiently corresponds to patentable JP claim 4,
		except U.S. claim 14 is not a multiple dependent claim.
15	5	U.S. claim 15 sufficiently corresponds to patentable JP claim 5,
		except U.S. claim 15 is not a multiple dependent claim.
16	6	U.S. claim 16 sufficiently corresponds to patentable JP claim 6.

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.

Signature 	Date September 8, 2011
Name (Print/Typed) Alyssa J. Holtslander	Registration Number 64,026

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

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DEC 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
YOSHIDA, et al. :
Application No.: 13/057,573 : DECISION ON PETITION
PCT No.: PCT/JP2009/063622 :
Int. Filing Date: 24 July 2009 : UNDER 37 CFR 1.181
Priority Date: 05 August 2008 :
Atty Docket No.: JFE-11-1023 :
For: HIGH STRENGTH COLD ROLLED STEEL :
SHEET EXCELLENT IN WELDABILITY AND :
METHOD FOR MANUFACTURING THE SAME:

This is a decision on applicant's "REQUEST FOR CORRECTED FILING RECEIPT AND NOTICE OF ACCEPTANCE OF APPLICATION" filed 20 September 2011 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

On 04 February 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).

On 28 February 2011, applicant filed an executed declaration of the inventors.

On 26 August 2011, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 02 March 2011.

On 20 September 2011, applicant filed the present petition claiming that the 371 requirements were satisfied on 28 February 2011.

In addition to the evidence presently provided by applicant; a review of the application file finds the executed declaration contained therein with a filing date of 28 February 2011.

For the reasons above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 24 July 2009 under 35 U.S.C. 363 and will be given a date of **28 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 26 August 2011 indicating a date of 02 March 2011 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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JUN 29 2011

PCT LEGAL ADMINISTRATION

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

In re Application of
SJMAENOK et al.
Application No.: 13/057,583
PCT No.: PCT/EP09/59398
Int. Filing Date: 22 July 2009
Priority Date: 06 August 2008
Attorney Docket No.: 081468-0391395
For: OPTICAL ELEMENT FOR A LITHOGRAPHIC APPARATUS, ...

DECISION ON PETITION

UNDER 37 CFR 1.182

This is a decision on applicant's Response to the Notification of Missing Requirements, treated as a petition under 37 CFR 1.182 and filed in the United States Patent and Trademark Office on 20 April 2011.

BACKGROUND

On 04 February 2011, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee and an executed declaration.

On 23 February 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. Specifically, the notice indicated that the name of the third inventor did not match that which was listed in the international application.

On 20 April 2011, applicant responded to the Notification with an executed declaration and confirmation that the correct name of the inventor is Johannes Hubertus Josephina Moors.

DISCUSSION

A review of the application file reveals that the given name of the third inventor as listed on the published international application is "Roel Moors." The declaration, filed on 04 February and 20 April 2011, was signed by "Johannes Hubertus Josephina Moors". The declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration did not name the inventive entity identified in the published international application.

As set forth in MPEP §1893.01(e), where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in a declaration submitted under 37 CFR 1.497, then a petition under 37 CFR 1.182 is necessary to accept the declaration with the changed name. *See* MPEP §605.04(c)..

Applicant indicates that the correct name of the third inventor is Johannes Hubertus Josephina Moors. Applicant authorizes the charge of the petition fee to his deposit account. The petition under 37 CFR 1.182 is granted.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**. The declaration of inventors submitted by applicant on 04 February 2011 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 02 February 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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FEB 22 2011

PCT LEGAL ADMINISTRATION

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Alexandria, VA 22313-1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
LASSER et al.	:	
Application No.: 13/057,593	:	DECISION on
PCT No.: PCT/IB08/52787	:	
Int. Filing Date: 10 July 2008	:	PETITION
Priority Date: None	:	
Attorney Docket No.: 2590-344	:	UNDER 37 CFR 1.137(b)
For: FUNCTIONAL OPTICAL COHERENT IMAGING		:

The petition to revive under 37 CFR 1.137(b) filed 04 February 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

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JUN 09 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
ALGERMISSEN et al	:	
Application No.: 13/057,631	:	
PCT No.: PCT/EP2009/05657	:	
Int. Filing Date: 05 August 2009	:	PAPERS FILED
Priority Date: 07 August 2008	:	
Attorney's Docket No.: 095309.63031US	:	
For: WIND DEFLECTOR COMPRISING...	:	
DEFLECTOR ELEMENT	:	UNDER 37 CFR 1.42

This is a decision on the "RESPONSE TO NOTIFICATION OF MISSING PARTS OF APPLICATION" filed 15 April 2011, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 04 February 2011, applicants filed via EFS-WEB entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 02 March 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from date of mailing of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

In response to the Notification mailed on 02 March 2011, applicants filed on 15 April 2011 an executed declaration signed by Marion ALGERMISSEN as legal representative of the joint inventor now deceased Gerherd ALGERMISSEN.

DISCUSSION

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.497(b)(2).

Because the co-joint inventor Gerherd ALGERMISSEN is deceased and Marion ALGERMISSEN has been appointed as the legal representatives for the deceased inventor. 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or 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 (the inventor's citizenship and so on). 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." (see MPEP § 409.01)

In this instance the information provided below the signature of the legal representative is only that of the citizenship of legal representative, but the declaration does not provide the other necessary information for the legal representative. Thus, the citizenship, residence and mailing address of the legal representative need to be provided in the declaration as required under 37 C.F.R. §1.497(b)(2). The information of the deceased joint inventor of the citizenship is sufficient on the declaration if the rest of the information is provided on the ADS; otherwise, the citizenship, residence and mailing address must be provided on the declaration.

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) 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 are available under 37 CFR 1.136(a). Failure to timely submit the proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Administration Office
Tel: (571) 272-3276
Fax: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

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P.O. BOX 14300
WASHINGTON DC 20044-4300

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OCT 26 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
ALGERMISSEN et al	:	
Application No.: 13/057,631	:	
PCT No.: PCT/EP2009/05657	:	
Int. Filing Date: 05 August 2009	:	PAPERS FILED
Priority Date: 07 August 2008	:	
Attorney's Docket No.: 095309.63031US	:	
For: WIND DEFLECTOR COMPRISING...	:	
DEFLECTOR ELEMENT	:	UNDER 37 CFR 1.42

This is a decision on the "Renewed Submission Under 37 CFR 1.42" filed 31 August 2011.

BACKGROUND

In a decision from this Office on 02 October 2006, the request filed on 15 April 2011 was dismissed. The decision indicated that the residence and mailing address of the legal representative and the deceased inventor had not been provided as required under 37 CFR 1.63.

On 31 August 2011, applicants filed the current response, which included a supplemental ADS with the information of the deceased joint inventor and a newly executed declaration with the necessary information of the legal representative and the citizenship of the deceased joint inventor.

DISCUSSION

A review of the application file still reveals that the applicants have not complied with 37 CFR 1.42.

The supplemental ADS which contains the necessary information of the deceased joint inventor Gerhard ALGERMISSEN is not acceptable at this time. The supplemental ADS filed for 13/057,631 does not have a signature of the applicant or representative as required in accordance with 37 CFR 1.33.

Once the supplemental ADS has the appropriate signature, the applicants will have satisfied the requirements under 37 CFR 1.42.

Consequently at this time, applicants have still not satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Second Renewed Submission Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Administration Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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DEC 20 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
ALGERMISSEN et al	:	
Application No.: 13/057,631	:	
PCT No.: PCT/EP2009/05657	:	
Int. Filing Date: 05 August 2009	:	PAPERS FILED
Priority Date: 07 August 2008	:	
Attorney's Docket No.: 095309.63031US	:	
For: WIND DEFLECTOR COMPRISING...	:	
DEFLECTOR ELEMENT	:	UNDER 37 CFR 1.42

This is a decision on the "Second Renewed Submission Under 37 CFR 1.42" filed 04 November 2011.

BACKGROUND

In a decision from this Office on 26 October 2011, the request filed on 31 August 2011 was dismissed. The decision indicated the supplemental ADS did not have the signature of the applicant or representative as required in accordance with 37 CFR 1.33.

On 31 August 2011, applicants filed the current response, which included a supplemental ADS with the information of the deceased joint inventor and signed by representative as required in accordance with 37 CFR 1.33.

DISCUSSION

A review of the application file still reveals that the applicants have complied with 37 CFR 1.42.

The supplemental ADS contains the necessary information of the deceased joint inventor Gerhard ALGERMISSEN and is acceptable at this time as it has the proper signature in accordance with 37 CFR 1.33.

Consequently at this time, applicants have satisfied the requirements under 37 CFR 1.42.

CONCLUSION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Administration Office
Tel: (571) 272-3276
Fax: (571) 273-0459

Doc Code: PPH.PET.652
Document Description: Petition to make special under PCT-Patent Pros Hwy 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.:	13/057,632	Filing Date:	February 4, 2011
First Named Inventor:	Takeshi KOBAYASHI		
Attorney Docket No.:	148481		
Title of the Invention:	VERTICAL HEAT TREATMENT APPARATUS AND HEAT TREATMENT METHOD		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/003392

The international date of the corresponding PCT application(s) is/are: July 21, 2009

I. **List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/057,632
First Named Inventor:	Takeshi KOBAYASHI

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on February 4, 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 4, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
6	1	Claim 6 of the U.S. application corresponds identically to claim 1 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application.
7	2	Claim 7 of the U.S. application corresponds identically to claim 2 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 7 of the U.S. application is revised to be dependent on claim 6 (corresponding to PCT claim 1).
8-9	3	Claims 8-9 of the U.S. application correspond identically to claim 3 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 3 of the PCT application is a multiple dependent claim depending from claims 1-2. Claim 8 of the U.S. application depends from claim 6 (corresponding to PCT claim 1). Claim 9 of the U.S. application depends from claim 7 (corresponding to PCT claim 2). Claims 8-9 are thus individually dependent claims corresponding to multiple dependent claim 3 of the PCT application.
10-13	4	Claims 10-13 of the U.S. application correspond identically to claim 4 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 4 of the PCT application is a multiple dependent claim depending from claims 1-3. Claim 10 of the U.S. application depends from claim 6 (corresponding to PCT claim 1). Claim 11 of the U.S. application depends from claim 7 (corresponding to PCT claim 2). Claim 12 of the U.S. application depends from claim 8 (corresponding to PCT claim 3). Claim 13 of the U.S. application depends from claim 9 (corresponding to PCT claim 3). Claims 10-13 are thus individually dependent claims corresponding to multiple dependent claim 4 of the PCT application.

14-21	5	Claims 14-21 of the U.S. application correspond identically to claim 5 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 5 of the PCT application is a multiple dependent claim depending from claims 1-4. Claim 14 of the U.S. application depends from claim 6 (corresponding to PCT claim 1). Claim 15 of the U.S. application depends from claim 7 (corresponding to PCT claim 2). Claim 16 of the U.S. application depends from claim 8 (corresponding to PCT claim 3). Claim 17 of the U.S. application depends from claim 9 (corresponding to PCT claim 3). Claim 18 of the U.S. application depends from claim 10 (corresponding to PCT claim 4). Claim 19 of the U.S. application depends from claim 11 (corresponding to PCT claim 4). Claim 20 of the U.S. application depends from claim 12 (corresponding to PCT claim 4). Claim 21 of the U.S. application depends from claim 13 (corresponding to PCT claim 4). Claims 14-21 are thus individually dependent claims corresponding to multiple dependent claim 5 of the PCT application.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date April 21, 2011
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Andrew B. Whitehead	Registration Number 61,989

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

CLAIMS

1. A vertical heat treatment apparatus comprising at least: a reaction tube; a heat treatment boat that is arranged in the reaction tube and holds a substrate; a heater configured to heat the substrate; a gas introduction tube configured to introduce an atmospheric gas into the reaction tube; a gas supply tube connected to the gas introduction tube; and a gas port portion that is formed at a flange body provided under the reaction tube or the reaction tube and into which the gas introduction tube is inserted,

wherein the gas introduction tube is connected to the gas supply tube through a joint outside the reaction tube, the joint has at least a metal short tube having a flange portion, the flange portion of the metal short tube is connected to a flange portion provided at the gas port portion through an O-ring, and the gas introduction tube is inserted into a through hole formed by connecting the metal short tube to the gas port portion and further connected to the gas supply tube through the joint.

2. The vertical heat treatment apparatus according to claim 1, wherein the joint further comprises a sleeve and a nut in addition to the metal short tube, the sleeve is disposed to an end portion of the gas supply tube, an inside diameter of the sleeve is larger than an outside diameter of the gas introduction tube and an outside diameter of the sleeve is larger than an outside diameter of the end portion of the gas supply tube, the nut is engaged with the sleeve by insertion of the gas supply tube through the nut, a thread groove is formed on an inner periphery of the other end of the nut, the

thread groove is screwed to an outer peripheral thread groove formed on an opposite side of the flange portion of the metal short tube connected to the flange portion of the gas port portion, an end portion of the metal short tube on the opposite side of the flange portion thereof receives the sleeve through an O-ring to be fitted, the sleeve receives the gas introduction tube to be fitted, the sleeve engaged with the nut is bonded to the metal short tube side through the O-ring under pressure by screwing the nut to the metal short tube, and the gas supply tube is thereby connected to the gas introduction tube while keeping airtightness.

3. The vertical heat treatment apparatus according to claim 1 or 2, wherein a material of the gas port portion is quartz, a material of the gas introduction tube is quartz, silicon carbide, or silicon, and a material of the reaction tube is silicon carbide.

4. The vertical heat treatment apparatus according to any one of claims 1 to 3, wherein a material of the gas introduction tube is quartz, and the gas introduction tube is covered with a protective tube made of silicon carbide.

5. A heat treatment method for performing a heat treatment with respect to a silicon wafer in a temperature range of 1000 to 1350°C by using the vertical heat treatment apparatus according to any one of claims 1 to 4.

請求の範囲

[請求項1] 少なくとも、反応管と、該反応管内に配置され基板を保持するための熱処理用ボートと、前記基板を加熱するためのヒータと、前記反応管内に雰囲気ガスを導入するためのガス導入管と、前記ガス導入管と接続されるガス供給管と、前記反応管の下に設けられたフランジ体又は前記反応管に形成され、前記ガス導入管が挿通されるガスポート部を有する縦型熱処理装置において、

前記ガス導入管と前記ガス供給管の接続は、前記反応管外でジョイントを介して行われ、該ジョイントは少なくともフランジ部を有する金属製短管を有し、該金属製短管のフランジ部が前記ガスポート部に設けられたフランジ部とOリングを介して接続され、前記金属製短管が前記ガスポート部に接続されることにより形成される貫通孔に、前記ガス導入管が挿通されて前記ジョイントで前記ガス供給管と接続されたものであることを特徴とする縦型熱処理装置。

[請求項2] 前記ジョイントは、前記金属製短管に加えて更にスリーブとナットを具備し、前記スリーブは前記ガス供給管の先端部に取り付けられており、該スリーブの内径は前記ガス導入管の外径よりも大きく、外径は前記ガス供給管の先端部の外径より大きいものであり、前記ナットが前記ガス供給管に挿通されることで前記スリーブに係合し、他端の内周にはねじ溝が形成されており、前記ガスポート部のフランジ部に接続された前記金属製短管のフランジ部とは反対側に形成された外周ねじ溝と螺合されるとともに、前記金属製短管のフランジ部とは反対側の端部は、前記スリーブをOリングを介して受け入れて嵌合しており、前記スリーブは前記ガス導入管を受け入れて嵌合しているものであり、前記ナットを前記金属製短管にねじ込みすることで、該ナットに係合した前記スリーブが前記金属製短管側にOリングを介して圧着し、前記ガス供給管と前記ガス導入管が気密を保ち接続されるもので

あることを特徴とする請求項１に記載の縦型熱処理装置。

[請求項3] 前記ガスポート部の材質が石英であり、前記ガス導入管の材質が石英、炭化珪素またはシリコンであり、前記反応管の材質が炭化珪素であることを特徴とする請求項１または２に記載の縦型熱処理装置。

[請求項4] 前記ガス導入管の材質が石英であり炭化珪素製の保護管に覆われたものであることを特徴とする請求項１ないし請求項３のいずれか一項に記載の縦型熱処理装置。

[請求項5] 請求項１乃至４のいずれか一項に記載の縦型熱処理装置を用いて１０００～１３５０℃の温度範囲でシリコンウエーハの熱処理を行うことを特徴とする熱処理方法。

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takeshi KOBAYASHI

Group Art Unit:

Application No.: 13/057,632

Examiner:

Filed: February 4, 2011

Docket No.: 148481

For: VERTICAL HEAT TREATMENT APPARATUS AND HEAT TREATMENT METHOD

TRANSMITTAL OF CLAIMS AND TRANSLATION, AND AFFIRMATION OF ACCURACY OF TRANSLATION OF CLAIMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a copy of the Japanese language claims of corresponding PCT application PCT/JP2009/003392 indicated to have novelty, inventive step and industrial applicability in the IPRP. Also attached is an English-language translation of the claims. On information and belief, the English-language translation is an accurate translation of the PCT application claims.

Respectfully submitted,

William P. Berridge
Registration No. 30,024

Andrew B. Whitehead
Registration No. 61,989

WPB:ABW/hs

Date: April 21, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takeshi KOBAYASHI

Attn: PCT Branch

Application No. 13/057,632

Filed: February 4, 2011

Docket No.: 148481

For: VERTICAL HEAT TREATMENT APPARATUS AND HEAT TREATMENT METHOD

TRANSMITTAL OF ENGLISH-LANGUAGE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a translation and copy of the International Preliminary Report on Patentability (Form PCT/IB/409) (IPRP). The attached IPRP expresses positive opinions as to one or more claims of this application with regard to novelty, inventive step, and industrial applicability. The IPRP is submitted for the Examiner's consideration.

Respectfully submitted,

William P. Berridge
Registration No. 30,024

Andrew B. Whitehead
Registration No. 61,989

WPB:ABW/abw

Date: April 21, 2011

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/057,632	02/04/2011	Takeshi Kobayashi	148481	4150

25944 7590 06/15/2011

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ALEXANDRIA, VA 22320-4850

EXAMINER	
ART UNIT	PAPER NUMBER
1733	

NOTIFICATION DATE	DELIVERY MODE
06/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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OfficeAction25944@oliff.com
jarmstrong@oliff.com

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CT

June 14, 2011

In re application of Takeshi Kobayashi Serial No. 13/057,632 Filed: February 4, 2011 For: VERTICAL HEAT TREATMENT APPARATUS AND HEAT TREATMENT 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 April 21, 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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JUN 10 2011

PCT LEGAL ADMINISTRATION

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Application of
Choi et al.
Application No.: 13/057,646
PCT No.: PCT/KR2009/004254
Int. Filing Date: 30 July 2009
Priority Date: 06 August 2008
Attorney Docket No.: CHANG-137NP
For: Composition For The Prevention And Treatment Of Alopecia, Or For Hair Growth

DECISION

This is in response to the renewed submission under 37 CFR 1.497(d) filed on 30 March 2011.

BACKGROUND

This international application was filed on 30 July 2009, claimed an earlier priority date of 06 August 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 11 February 2010. The 30 month time period for paying the basic national fee in the United States expired at midnight on 07 February 2011 (since 06 February 2011 was a Sunday). Applicants filed *inter alia* the basic national fee on 04 February 2011.

On 28 February 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Counsel requests the deletion of Seok kee MIN and Won sang SEO as inventors under 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)).

Regarding requirement (1), applicants have provided appropriate statements signed by Seok kee MIN and Won sang SEO.

Regarding requirement (2), the $130.00 processing fee has been paid.

Regarding requirement (3), inspection of the published international application suggests that DAMYCHEMICAL Co., Ltd. may enjoy an assignment interest in the application, but no written consent of any assignee has been provided; nor has counsel asserted that no assignment has been made.

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.497(d)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

MAILED

SEP 19 2011

PCT LEGAL ADMINISTRATION

In re Application of
Choi et al.
Application No.: 13/057,646
PCT No.: PCT/KR2009/004254
Int. Filing Date: 30 July 2009
Priority Date: 06 August 2008
Attorney Docket No.: CHANG-137NP
For: Composition For The Prevention And Treatment Of Alopecia, Or For Hair Growth

DECISION

This is in response to the renewed submission under 37 CFR 1.497(d) filed on 19 July 2011.

DISCUSSION

In a Decision mailed on 10 June 2011, and in response to correspondence filed on 30 March 2011, the declaration was not accepted under 37 CFR 1.497(d), without prejudice. Specifically, applicants were advised that

> Regarding requirement (3), inspection of the published international application suggests that DAMYCHEMICAL Co., Ltd. may enjoy an assignment interest in the application, but no written consent of any assignee has been provided; nor has counsel asserted that no assignment has been made.

In response, counsel asserts that "no assignment has been made to DAMYCHEMICAL CO., Ltd. An assignment has been made, rather, to PHYTOS CO, LTD whose consent is provided herewith." Counsel has provided a document in which PHYTOS assents to the change in inventorship. The document is signed by Myeung Jun Choi, who has signed in the capacity of "CEO" and who asserts "the authority to act on behalf of the assignee." The consent document identifies PHYTOS CO., LTD. as the assignee, and refers to accompanying documentary evidence of a chain of title in the form of an executed assignment. The assignee affirms that the documentary evidence of the chain of title was submitted for recordation on 25 May 2011. As such, the requirements of 37 CFR 1.497(d)(3) and 37 CFR 3.73(b) now have been satisfied.

DECISION

The declaration filed on 30 March 2011 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **30 March 2011**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/057,723	02/04/2011	Kazuhiro Abe	1254-0466PUS1	4675

2292 7590 07/20/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
MAUNG, NAY AUNG	
ART UNIT	**PAPER NUMBER**
2618	

NOTIFICATION DATE	DELIVERY MODE
07/20/2011	ELECTRONIC

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mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	
ABE et al.	
Application No.: 13/057,723	**: DECISION ON REQUEST TO**
Filed: 04 February 2011	**: PARTICIPATE IN THE PATENT**
Attorney Docket No.: 1254-0466PUS1	**: PROSECUTION HIGHWAY**
For: WIRELESS COMMUNICATION	**: PROGRAM AND PETITION**
SYSTEM, BASE STATION DEVICE ...	**: 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 23 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

ROBERT PLOTKIN, PC
15 NEW ENGLAND EXECUTIVE OFFICE PARK
BURLINGTON, MA 01803

MAILED

MAR 3 1 2011

PCT LEGAL ADMINISTRATION

In re Application of DEWAN :
U.S. Application No.: 13/057,748 :
PCT Application No.: PCT/IN2009/000412 : DECISION
Int. Filing Date: 20 July 2009 :
Priority Date Claimed: 18 July 2008 :
Attorney Docket No.: R0005-1007US :
For: ELECTRONIC JUSTICE SYSTEM :

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 04 February 2011.

BACKGROUND

On 20 July 2009, applicant filed international application PCT/IN2009/000412, which claimed priority of an earlier India application filed 18 July 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 18 March 2010. The thirty-month period for paying the basic national fee in the United States expired on 18 January 2011.

On 19 January 2011, international application PCT/IN2009/000412 became abandoned as to the United States for failure to timely pay the basic national fee.

On 04 February 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.

The application has an International Filing Date under 35 U.S.C. 363 of 20 July 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 February 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

APR 10 2012

OFFICE OF PETITIONS

In re Application of
Koji HAYASHI et al.
Application No.: 13/057,875
Filed: February 07, 2011
Attorney Docket No.: 148111
For: HEAT-GENERATING PORTION COOLING STRUCTURE OF VEHICLE DRIVE APPARATUS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 08, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

DISCUSSION

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
3. Examination of the U.S. application has not begun;
4. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
5. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 15 2011

PCT LEGAL ADMINISTRATION

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

GlaxoSmithKline
GLOBAL PATENTS -US, UW2220
P. O. BOX 1539
KING OF PRUSSIA PA 19406-0939

In re Application of
LEUNG et al.
Application No.: 13/057,893
PCT No.: PCT/US09/53136
Int'l Filing Date: 07 August 2009
Priority Date: 08 August 2008
Attorney Docket No.: PB63103
For: TREATMENT OF AUTOIMMUNE AND INFLAMMATORY DISEASE

DECISION ON PETITION

UNDER 37 CFR 1.182

This is a decision on applicant's submission of a petition to revive under 37 CFR 1.137(b), treated as a petition under 37 CFR 1.182, requesting correction of the PCT international application number, filed in the United States Patent and Trademark Office on 02 March 2011.

On 07 February 2011, 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 13/057,893. However, the PCT international application **PCT/US09/53136** was indicated on the transmittal letter; while the PCT international application number **PCT/EP09/53136** was identified on the Electronic Acknowledgement Receipt.

On 01 March 2011, a Notice of Abandonment was mailed incorrectly indicating that applicant had failed to provide a copy of the international application. Thereafter, on 01 March 2011, the instant petition under 37 CFR 1.182 was filed.

In light of applicant's explanation of the incorrect international application number listed with the request for U.S. national stage entry, the petition under 37 CFR 1.182 to correct the international application no. to PCT/US09/53136 on the national stage papers filed on 07 February 2011 is **GRANTED**. The $400 petition fee was paid.

Applicant's deposit account will be refunded the $1620 petition fee for revival of an international application unintentionally abandoned and will be charged the $400 petition fee for the petition under 37 CFR 1.182.

The petition under 37 CFR 1.182 is **GRANTED**.

The USPTO records will identify the present application **13/057,893** as the national stage of **PCT/US09/53136.**

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571)272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

MAILED
FEB 10 2012
OFFICE OF PETITIONS

Applicant: Suzuki, et al.
Appl. No.: 13/057,908
International Filing Date: August 6, 2009
Title: MOBILE COMMUNICATION METHOD, MOBILE STATION AND MOBILE SWITCHING CENTER
Attorney Docket No.: 17470/109001
Pub. No.: US 2011/0188455 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 4, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material mistakes wherein the word "NAB" should read -- NAS – in the specification on pages 2, 3, 6 and 7 and in claims 2 and 3.

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 in the specification and claims due to faulty optical character recognition are, in this case, not Office error. The errors are due to the quality of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit...electronic capture by use of digital imaging and optical character

[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).

recognition." As set form at MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221.(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(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

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
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Under the 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: AA 1872 US	Application Number (if known): 13/057,911	Filing date: To Be Assigned
First Named Inventor: Guy Richard Chandler		
Title: TRANSITION METAL-CONTAINING ALUMINOSILICATE ZEOLITE		

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 in compliance with 37 CFR 1.121

Signature	Date February 7, 2011
Name (Print/Typed) Christopher R. Lewis	Registration Number 36,201

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

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.

JMYT-509US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No:	13/057,911
Applicants:	Guy Richard Chandler et al.
Int'l Filing Date:	October 13, 2009
371(c) Date:	To Be Assigned
Title:	TRANSITION METAL-CONTAINING ALUMINOSILICATE ZEOLITE
TC/A.U.:	To Be Assigned
Examiner:	To Be Assigned
Confirmation No.:	6225
Docket No.:	AA 1872 US

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM - STATEMENTS OF SPECIAL STATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the requirements of the Petition to Make Special Under the Green Technology Pilot Program, filed herewith, we respectfully request consideration of the following statements:

1. If the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant hereby agrees to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements of the program.

2. The claims of the above-referenced application are directed to a single invention:

☐ that materially enhances the quality of the environment, or

☒ that materially contributes to:

☐ (1) the discovery or development of renewable energy resources;

☐ (2) the more efficient utilization and conservation of energy resources; or

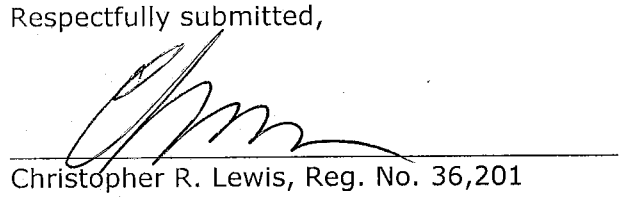
☒ (3) green house gas emission reduction.

3. The application disclosure is clear on its face that the claimed invention materially contributes to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction. To avoid any doubt, a statement signed by the attorney/agent registered to practice before the USPTO, in accordance with 37 CFR 1.33(b), explaining how the materiality standard is met is provided below.

    a. The claimed invention of the above-referenced application materially contributes to greenhouse gas emission reduction technologies. Specifically, the above-referenced application relates to an exhaust system for a vehicular lean-burn internal combustion engine and methods for converting nitrogen oxides (NOx) using a synthetic aluminosilicate zeolite catalyst. The embodiments of the claimed invention function to reduce the emission of known greenhouse gases, namely nitrogen oxides (NOx) and hydrocarbons such as methane, from combustion engines. Accordingly, the materiality standard is met.

As the requirements of the Green Technology Pilot Program have been met in the above-referenced application, special status and advancement out of turn for examination is respectfully requested.

Respectfully submitted,



Christopher R. Lewis, Reg. No. 36,201
Attorney for Applicants

CRL/JBS/lrb

Dated: February 7, 2011

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith..

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/057,911	04/15/2011	Guy Richard Chandler	AA 1872 US	6225

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

MAY 25 2011

In re Application of	:	
Chandler et al.	:	DECISION ON PETITION
Application No. 13/057,911	:	TO MAKE SPECIAL UNDER
Filed: 4/15/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **AA 1872 US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/7/2011, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 15 2011

PCT LEGAL ADMINISTRATION

K&L Gates LLP
P.O. Box 1135
CHICAGO IL 60690

In re Application of
HUTCHINSON, Charles et al. (deceased)
Application No.: 13/057,961
PCT No.: PCT/US2009/053159
Filing Date: 07 August 2009
Priority Date: 07 August 2008
ATTY Docket No.: 3718375-00010
For: GLYCOSIDE COMPOUNDS AND PHARMACEUTICAL COMPOSITIONS THEREOF

DECISION ON PAPERS

UNDER 37 CFR 1.42

This decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 08 April 2011, which was accompanied by a declaration of the inventors. The indication in this declaration that inventor Charles HUTCHINSON is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 07 August 2009, applicant filed international application, PCT/US2009/053159, which claimed priority of an earlier United States application filed 07 August 2008. The thirty-month period for paying the basic national fee in the United States expired on 07 February 2011.

On 07 February 2011, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 03 March 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 a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 April 2011, applicant filed a submission which was accompanied by, *inter alia*, a declaration of the inventors. The indication in the declaration that inventor Charles HUTCHINSON is deceased has been treated as a request for status under 37 CFR 1.42. The declaration was executed on behalf of the deceased inventor by Jill Hutchinson Bollettieri, identified as legal representative (Trustee/Executor).

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 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 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.

Pursuant to 37 CFR 1.497(b)(2), the declaration properly lists the citizenship, residence, and mailing address of the deceased inventor, but fails to list the citizenship, residence, and mailing address of legal representative, Jill Hutchinson Bollettieri.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to correct the above noted defect within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Application No.: 13/057,961

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 of Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia, 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Shane Thomas
PCT Legal Detailee
Office of PCT Legal Administration
Tel: (571) 272-6095

Boris Milef
PCT Legal Examiner
PCT Legal Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SEP 09 2011

PCT LEGAL ADMINISTRATION

K&L Gates LLP
P.O. Box 1135
CHICAGO IL 60690

In re Application of :
HUTCHINSON, Charles et al. (deceased) :
Application No.: 13/057,961 : DECISION ON RENEWED
PCT No.: PCT/US2009/053159 :
Filing Date: 07 August 2009 : PETITION UNDER 37 CFR 1.42
Priority Date: 07 August 2008 :
ATTY Docket No.: 3718375-00010 :
For: GLYCOSIDE COMPOUNDS AND :
PHARMACEUTICAL COMPOSITIONS :
THEREOF :

This decision is in response to applicant's renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office (USPTO) on 15 August 2011.

BACKGROUND

On 07 August 2009, applicant filed international application, PCT/US2009/053159, which claimed priority of an earlier United States application filed 07 August 2008. The thirty-month period for paying the basic national fee in the United States expired on 07 February 2011.

On 07 February 2011, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 03 March 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 a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 April 2011, applicant filed a submission which was accompanied by, *inter alia*, a declaration of the inventors. The indication in the declaration that inventor Charles HUTCHINSON is deceased has been treated as a request for status under 37 CFR 1.42. The declaration was executed on behalf of the deceased inventor by Jill Hutchinson Bollettieri, identified as legal representative (Trustee/Executor).

On 15 June 2011, this Office mailed a decision dismissing the 08 April 2011 request for status.

Application No.: 13/057,961

On 15 August 2011, applicant filed the instant renewed request for status ender 37 CFR 1.42.

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 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 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.

Pursuant to 37 CFR 1.497(b)(2), the declaration properly lists the citizenship, residence, and mailing address of both the deceased inventor, Charles Hutchinson, and the legal representative, Jill Hutchinson Bollettieri.

Application No.: 13/057,961

CONCLUSION

For the above reasons, 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 07 August 2009, and a date under 35 U.S.C. 371(c)(1),(c)(2), and (c)(4) of 08 April 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Shane Thomas
PCT Legal Detailee
Office of PCT Legal Administration
Tel: (571) 272-6095

Boris Milef
PCT Legal Examiner
PCT Legal Office

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 42714 (0079US)	Application Number (if known):	Filing date:

First Named Inventor: Michael Brady

Title: MODIFICATION OF BIOMASS FOR EFFICIENT CONVERSION TO FUELS

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. **See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Kameron D. Kelly/	Date February 7, 2011
Name (Print/Typed) Kameron D. Kelly	Registration Number 44,181

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.

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

***The following is a summary of the requirements** (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):*

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/057,968	07/11/2011	Michael Brady	ID0079US	6627

90394 7590 08/26/2011

Kior Inc.
13001 Bay Park Rd.
Pasadena, TX 77507

EXAMINER	
ART UNIT	PAPER NUMBER
1653	

MAIL DATE	DELIVERY MODE
08/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 2 6 2011

Kior Inc.
13001 Bay Park Rd.
Pasadena TX 77507

In re Application of :

BRADY, Michael *et al.*	:	DECISION ON PETITION
Application No. 13/057968	:	TO MAKE SPECIAL UNDER
Filed: February 7, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. ID0079US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 7, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1653 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

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United States Patent and Trademark Office
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GREER, BURNS & CRAIN, LTD.
300 S. WACKER DRIVE
SUITE 2500
CHICAGO IL 60606

MAILED

FEB 24 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MOELLER, et al. :
Application No.: 13/058,087 :
PCT No.: PCT/US2006/044578 : DECISION ON PETITION
Int. Filing Date: 17 November 2006 :
Priority Date: 16 October 2006 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: 15316/0901.74327 :
For: RECHARGE CYCLE FUNCTION FOR :
COMBUSTION NAILER :

The petition to revive under 37 CFR 1.137(b) filed 08 February 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the enclosed documents from the due date for the nationalization of this application until the filing of this petition was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

United States Patent and Trademark Office

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APR 25 2011

PCT LEGAL ADMINISTRATION

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of
Lambert et al.
Application No.: 13/058,096
PCT No.: PCT/FR2009/000926
Int. Filing Date: 24 July 2009
Priority Date: 30 July 2008
Attorney Docket No.: 0710-1031
For: Method For Automatically Identifying A Material Or An Object

DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed on 08 February 2011 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 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).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

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FISH & RICHARDSON P.C. (NY)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

FEB 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SHEYE :
Application No.: 13/058,097 :
PCT No.: PCT/EP2009/055927 : DECISION ON PETITION
Int. Filing Date: 15 May 2009 :
Priority Date: 15 May 2008 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: 30135-0002US1 :
For: AUTOMATIC TESTING OF A COMPUTER SOFTWARE SYSTEM :

The petition to revive under 37 CFR 1.137(b) filed 08 February 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).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OSHA LIANG LLP
TWO HOUSTON CENTER
909 FANIN, SUITE 3500
HOUSTON TX 77010

MAILED
DEC 02 2011
OFFICE OF PETITIONS

Applicants: Akimichi Tanabe, et al.
Appl. No.: 13/058,133
International Filing Date: August 5, 2009
Title: MOBILE COMMUNICATION METHOD, NETWORK DEVICE, AND EXCHANGE
Attorney Docket: 17470/113001
Pub. No.: US 20110176413 A1
Pub. Date: July 21, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 15, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in the specification.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor in the specification is not an Office error. Applicants states that page 3 (three) of the specification does not appear in the text of the publication. However, the Office published the specification as was filed on February 8, 2011. Therefore, no error under 37 CFR 1.221(b) exist. See MPEP 1130B.

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

[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).

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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MAR 13 2012

OFFICE OF PETITIONS

OSHA LIANG LLP
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

Applicants: Akimichi Tanabe, et al.
Appl. No.: 13/058,133
International Filing Date: August 5, 2009
Title: MOBILE COMMUNICATION METHOD, NETWORK DEVICE, AND EXCHANGE
Attorney Docket: 17470/113001
Pub. No.: US 20110176413 A1
Pub. Date: July 21, 2011

This is a decision on the renewed request for a corrected patent application publication under 37 CFR 1.221(b), received on January 12, 2012, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in the specification.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

Applicant believes that the Office made the error in the specification. However, the evidence presented is not persuasive. The Electronic Acknowledgement Receipt indicates that twelve (12) pages of specification were submitted. The receipt does not indicate the character of the pages that were submitted. The Office records include twelve (12) pages of the originally filed specification, including a blank page between pages ten (10) and eleven (11) and an omitted page three (3). Despite Applicant's belief, the evidence of record does not show that the error was made by the Office rather than being present upon filing the original specification.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Therefore, as stated in the decision mailed December 2, 2011, the error noted by requestor in the specification is not an Office error. The Office published the specification as was filed on February 8, 2011. Accordingly, no error under 37 CFR 1.221(b) exist. See MPEP 1130B.

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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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.
13/058,138	02/08/2011	Hirotaka Ito	374996US99PCT	8155

22850 7590 09/07/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
1771	

NOTIFICATION DATE	DELIVERY MODE
09/07/2011	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 6, 2011

In re application of	:	DECISION ON REQUEST TO
Hirotaka Ito et al.	:	PARTICIPATE IN PATENT
Serial No. 13/058,138	:	PROSECUTION HIGHWAY
Filed: February 08, 2011	:	PROGRAM AND
Attorney Docket No: 374996US99PCT	:	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 February 28, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Troutman Sanders LLP
5200 Bank of America Plaza
600 Peachtree Street, N.E.
Suite 5200
Atlanta GA 30308-2216

MAILED

APR 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
GARIMELLA et al. :
Application No.: 13/058,182 :
PCT No.: PCT/US2009/052362 : DECISION ON PETITION
Int. Filing Date: 31 July 2009 : UNDER 37 CFR 1.137(b)
Priority Date: 31 July 2008 :
Attorney Docket No.: GTRC4534 :
For: MICROSCALE HEAT OR HEAT AND MASS TRANSFER SYSTEM :

The petition to revive under 37 CFR 1.137(b) filed 08 February 2011 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/058,242	02/09/2011	Estill Thone Hall JR.	TTEUS07015 / THMT-0074	9352

7590 06/17/2011

FLETCHER YODER P.C.
7915 FM 1960 RD. WEST
SUITE 330
HOUSTON, TX 77070

EXAMINER	
NELMS, DAVID C	
ART UNIT	PAPER NUMBER
2871	
MAIL DATE	DELIVERY MODE
06/17/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tomi James

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
FEB 01 2012
OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of
KUSAKARI, et al
Application No.: 13/058,257
Filed: February 9, 2011
Attorney Docket No.: ALUMINUM ALLOY WIRE

: 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 November 22, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to 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 1733 for action on the merits commensurate with this decision.

Thurman K. Page

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Duane Morris LLP, IP Department (Boca Raton)
Suite 300
2700 North Military Trail
Boca Raton FL 33431-1808

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of :
Gerhard Burger :
Application No. 13/058,282 : DECISION ON PETITION
Filed: February 9, 2011 : TO MAKE SPECIAL UNDER
Attorney Docket No. F6200-01041 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 9, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's passport proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded the Office of Patent Application Processing for further processing.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

62068
HUNTSMAN INTERNATIONAL LLC
Legal Dept.
10003 Woodloch Forest Drive
The Woodlands, TX 77380

MAILED

APR 21 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BLEYS *et al* :
Application No.: 13/058,295 :
PCT No.: PCT/EP2009/059874 :
Int. Filing Date: 30 July 2009 :
Priority Date: 28 August 2008 : **DECISION**
Attorney Docket No.: EU-50968/USw :
For: MIXTURE OBTAINED BY REACTING :
POLYOL AND ANHYDRIDE AND ITS :
USE IN POLYISOCYANATES FOR :
MAKING POLYISOCYANURATES :

This is a decision on the declaration filed with the national stage papers on 09 February 2011.

BACKGROUND

On 30 July 2009, applicants filed international application PCT/EP2009/059874 which included an executed declaration pursuant to PCT Rule 4.17(iv).

On 09 February 2011, applicants filed papers to enter the national stage of PCT/EP2009/059874 which was accompanied by, *inter alia*, a declaration signed by four of the five named inventors and three heirs of a deceased inventor.

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.

A review of the declaration filed with the national stage papers show that four of the five named inventors executed the declaration.

Luthgarde Alberta Marcella GEERAERTS, Mathias Johan Richard DEVOS, and Kristin Guillemine Iréne DEVOS executed the declaration as "as an heir of deceased inventor, Julien Devos." The citizenship, residence and mailing address of the heirs

was listed on the declaration as required along with the name and citizenship of the deceased co-inventor, Julien DEVOS.

However, the declaration filed with the national stage papers is not accepted for the following reasons:

(1) Applicants must provide a statement that Luthgarde Alberta Marcella GEERAERTS, Mathias Johan Richard DEVOS, and Kristin Guillemine Iréne DEVOS are the sole heirs of the deceased inventor and that they are acting as his legal representative; and,

(2) Applicants must state whether the jurisdiction requires that a legal representative be appointed for the deceased inventor. *See* MPEP § 409.01.

Nonetheless, the declaration executed by all the inventors (including the deceased inventor) in the international application pursuant to PCT Rule 4.17(iv) is accepted. This declaration is in compliance with 37 CFR 1.497(a) & (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are not required and **DISMISSED** as **MOOT**.

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

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APR 14 2011

PCT LEGAL ADMINISTRATION

Osler Hoskin & Harcourt, LLP (ThermoCeramix)
1000 De La Gauchetiere Street West
Suite 2100
Montreal QC H3B4W-5
CANADA

In re Application of :
ABBOTT, Richard C. :
Application No.: 13/058,340 :
PCT No.: PCT/US2009/045702 :
Int. Filing Date: 29 May 2009 : DECISION
Priority Date: 30 May 2008 :
Att. Docket No.: 1127917 :
For: RADIANT HEATING USING :
HEATER COATINGS :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 10 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 appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The surcharge for submission of the search fee, examination fee or oath or declaration after 30 months has not yet been paid.

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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/058,352	Filing date:	February 10, 2011
First Named Inventor:	Masahiro NAKAMURA et al.		
Title of the Invention:	MEMORY CONTROLLER, NONVOLATILE STORAGE DEVICE, ACCESSING DEVICE, NONVOLATILE		

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/JP2010/003243

The international date of the corresponding PCT application(s) is/are: May 13, 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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/058,352
First Named Inventor:	Masahiro NAKAMURA et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on February 10, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on February 10, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claims 1 corresponds to PCT/JP2010/003243 claim 1
2	2	US claims 2 corresponds to PCT/JP2010/003243 claim 2
3	3	US claims 3 corresponds to PCT/JP2010/003243 claim 3
4	4	US claims 4 corresponds to PCT/JP2010/003243 claim 4
5	5	US claims 5 corresponds to PCT/JP2010/003243 claim 5
6	6	US claims 6 corresponds to PCT/JP2010/003243 claim 6
7	7	US claims 7 corresponds to PCT/JP2010/003243 claim 7
8	8	US claims 8 corresponds to PCT/JP2010/003243 claim 8

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Mark D. Saralino/	Date February 10, 2011
Name (Print/Typed) Mark D. Saralino	Registration Number 34,243

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Application No.: 13/058,352

Case No: SHINP0110US **PATENT**

CERTIFICATE OF MAILING OR ELECTRONIC TRANSMISSION UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is
___ being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents address below.
_X_ being transmitted via EPS or facsimile to **(571) 273-8300 (Centralized Facsimile Number)** at the U.S. Patent and Trademark Office to the Attention of (not yet assigned).

/Mark D. Saralino/ February 10, 2011
Mark D. Saralino Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Masahiro NAKAMURA et al.

Application No.: 13/058,352

Filing Date: February 10, 2011

For: MEMORY CONTROLLER, NONVOLATILE STORAGE DEVICE, ACCESSING DEVICE, NONVOLATILE STORAGE SYSTEM, AND METHOD AND PROGRAM FOR WRITING DATA

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

Mail Stop - Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENT TO REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH)

REMARKS

Applicants hereby submit this supplement to Applicants' request for participation in the patent prosecution highway (PPH) being filed contemporaneously herewith. In support of the request for participation in the PPH, Applicants have submitted the following documentation:

(1) a copy of the latest international work product (WO/ISA) in the corresponding PCT application

(2) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application; and

(3) English translations of the WO/ISA and claims, including a statement that the English translation of the claims is accurate.

The current application is a §371 U.S. national stage entry of PCT Application No. PCT/JP2010/003243. Applicants explain that the claims of PCT Application No. PCT/JP2010/003243 were indicated as having novelty, inventive step and industrial applicability.

As indicated in the Claims Correspondence Table included with the PPH request form, the claims in the current application sufficiently correspond to the claims of PCT Application No. PCT/JP2010/003243. Claims 3 and 6 of PCT Application No. PCT/JP2010/003243 merely differ from claims 3 and 6 of the current application in that claims 3 and 6 of the current application lack multiple dependencies in accordance with United States practice.

Furthermore, any references cited by the JPO as the International Searching Authority in connection with PCT Application No. PCT/JP2010/003243 have been submitted to the US Patent and Trademark Office on February 10, 2011 in connection with the current application.

In view of the above, Applicants respectfully request participation in the PPH. Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/

Mark D. Saralino
Reg. No. 34,243

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
SHINJYU GLOBAL IP
South Forest Bldg., 1-4-19,
Minamimori-machi, Kita-ku,
Osaka-shi, Osaka
5300054

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	15. 06. 2010
Applicant's or agent's file reference: P593955P0	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/003243	13. 05. 2010	21. 05. 2009

International Patent Classification (IPC) or both national classification and IPC
G06F12/00(2006.01)i, G06F12/02(2006.01)i

Applicant
PANASONIC CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☑ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ Japanese Patent Office (ISA/JP) 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 1008915 Facsimile No.	Date of completion of this opinion 03. 06. 2010	Authorized officer Yoshitaka HORIE Telephone No.

Form PCT/ISA/237 (cover sheet)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/003243

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☑ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (type of material)

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. (means)

   ☐ on paper

   ☐ in electronic form

   c. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/003243

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	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1/8	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2003-216511 A (Matsushita Electric Industrial Co., Ltd.)
2003.07.31 Paragraphs [0042]-[0072], Figs.3-7
(No patent family document exists)

Document 2: JP 2006-11818 A (Toshiba Corporation)
2006.01.12 Paragraphs [0031]-[0049], Fig.1 and Fig.3
& US 2005/0289291 A1 & EP 1619579 A2
& KR 10-2006-0049641 A & SG 118353 A

Inventions according to claims 1 to 8 are not disclosed in any documents cited by the International Search Report, and thus satisfy the novelty and inventive step requirements. In particular, such configuration that with responding a high-speed writing preparation command, the mode for writing data to a nonvolatile memory is switched to a high-speed writing mode and data is sequentially written to a erased physical block of the nonvolatile memory without using a logical address is not disclosed in any documents cited by the International Search Report. Each of inventions according to claims 1 to 8 with the above-described configuration achieves an advantageous effect.

Application No.: 13/058,352

Case No: SHINP0110US **PATENT**

CERTIFICATE OF MAILING OR ELECTRONIC TRANSMISSION UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is
___ being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents address below.
_X_ being transmitted via EPS or facsimile to **(571) 273-8300 (Centralized Facsimile Number)** at the U.S. Patent and Trademark Office to the Attention of (not yet assigned).

/Mark D. Saralino/ April 1, 2011
Mark D. Saralino Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Masahiro NAKAMURA et al.

Application No.: 13/058,352

Filing Date: February 10, 2011

For: MEMORY CONTROLLER, NONVOLATILE STORAGE DEVICE, ACCESSING DEVICE, NONVOLATILE STORAGE SYSTEM, AND METHOD AND PROGRAM FOR WRITING DATA

Examiner: Not Yet Assigned

Art Unit: 2189

Mail Stop - Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENT TO REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) FILED FEBRUARY 10, 2011

REMARKS

Applicants hereby submit this supplement to Applicants' request for participation in the patent prosecution highway (PPH) filed February 10, 2011.

A Supplemental Preliminary Amendment is being filed contemporaneously herewith, in which Applicants have amended claim 7 to correct a typographical error contained therein. Claim 8 has also been amended to recite a "non-transitory computer-readable medium" in accordance with United States practice.

For purposes of the PPH request, Applicants submit that the claims in the current application sufficiently correspond to the claims of PCT Application No. PCT/JP2010/003243.

In view of the above, Applicants respectfully request participation in the PPH. Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/
Mark D. Saralino
Reg. No. 34,243

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

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.
13/058,352	02/10/2011	Masahiro Nakamura	SHINP0110US	1636

51921 7590 04/22/2011

MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

EXAMINER	
ART UNIT	PAPER NUMBER
2189	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

In re Application of: NAKAMURA et al.
Application No. 13/058,352
Atty Docket #: **SHINP0110US**
Filed: February 10, 2011
For **MEMORY CONTROLLER, NONVOLATILE STORAGE DEVICE, ACCESSING DEVICE, NONVOLATILE STORAGE SYSTEM, AND METHOD AND PROGRAM FOR WRITING DATA**

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 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 (l)(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

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: 65504-011US1	Application Number (if known): 13/058,375	Filing date: February 10, 2010
First Named Inventor: Sean Dennis Simpson		
Title: OPTIMISED FERMENTATION MEDIA		

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 February 10, 2011
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.: 65504-011US1
Client Ref. No.: TIS 508128USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean Dennis Simpson et al.	Art Unit	: Not yet assigned
Serial No.	: 13/058,375	Examiner	: Not yet assigned
Filed	: February 10, 2011		
Title	: OPTIMISED FERMENTATION MEDIA		

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.

In broad terms, the invention relates to the use of a gas fermentation process to capture carbon and produce useful products such as biofuels and/or fuel alcohols. More specifically, a carbon monoxide-containing gas, such as gas obtained as a waste product of an industrial process, is used in conjunction with nickel, which improves the efficiency of carbon uptake during anaerobic fermentation to produce a useful product.

The methods claimed may be useful for reducing 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 quantities of carbon dioxide. 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 useful products. This reduces the emission of the greenhouse gases and limits the damaging effects that they have on the environment.

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., and 75 Fed. Reg. 98 (May 21, 2010).

Also provided by the invention are methods to optimise the uptake of carbon monoxide and therefore maximise 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 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. 65504-011US1.

Respectfully submitted,

Date: February 10, 2011

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

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.
13/058,375	08/18/2011	Sean Dennis Simpson	65504-011US1	1817

69713 7590 09/28/2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER	
RAO, MANJUNATH N	
ART UNIT	**PAPER NUMBER**
1656	

NOTIFICATION DATE	DELIVERY MODE
09/28/2011	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):

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
www.uspto.gov

SEP 28 2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of :

SIMPSON, Sean *et al.*	:	DECISION ON PETITION
Application No. 13/058375	:	TO MAKE SPECIAL UNDER
Filed: February 10, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 65504-011US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 10, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1651 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary NC 27518

MAILED

JUN 01 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Osseiran et al	:	
Application No.: 13/058,381	:	
PCT No.: PCT/SE08/050924	:	
Int. Filing Date: 15 August 2008	:	PETITION UNDER
Priority Date: N/A	:	
Attorney's Docket No.: 4015-7288	:	
For: RELAY NODE SELECTION FOR NETWORK CODING	:	37 CFR 1.181

This Decision is in response to applicant's "RESPONSE TO THE NOTIFICATION OF INSUFFICIENT FEES," filed on 10 March 2011, which is being treated as a petition under 37 CFR 1.181 indicating that the Article 34 amendments were not considered as the IPRP was established based on amended claims 1-14. As a result, no additional fees are required.

BACKGROUND

On 15 August 2008, this international application was filed.

On 10 February 2011, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371 (c)(1), and a declaration as required by 35 U.S.C. 371(c)(4).

On 02 March 2011, the DO/EO/US mailed a "NOTIFICATION OF INSUFFICIENT FEES" (Form PCT/DO/EO/923), which indicated that additional claim fees are due, and that the annex was not entered.

On 10 March 2011, petitioner filed the current petition indicating that the current number of claims is 14 based on the IPRP and the preliminary amendment and as such no extra fees are due.

DISCUSSION

A review of the file shows that applicants timely submitted Article 34 amendments with the International Preliminary Examination Authority (IPEA/US).

In view of the above, applicants' amendments were timely communicated to the IPEA/US. Accordingly, the annexed with the amended Article 34 claims 1-14 should have been entered during the National Stage filing under 35 USC 371. Accordingly, the annex will be entered. In addition, petitioner filed a preliminary amendment that canceled IPRP claims 1-14, and added new claims 15-28. As a result, there are 14 total claims, 2 of which are independent and no extra claim fees are due for the instant application.

DECISION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

The Office NOTIFICATION OF INSUFFICIENT FEES" (Form PCT/DO/EO/923) mailed on 02 March 2011 has been **Vacated**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/058,391	04/28/2011	Ren-Hua Jin	87819(302716)	1942

21874 7590 07/26/2011

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER	
POURBOHLOUL, SARIRA CAMILLA	

ART UNIT	PAPER NUMBER
1765	

MAIL DATE	DELIVERY MODE
07/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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

July 26, 2011 BC

In re application of	:	DECISION ON REQUEST TO
Ren-Hua Jin et al.	:	PARTICIPATE IN PATENT
Serial No. 13/058,391	:	PROSECUTION HIGHWAY
Filed: February 10, 2011	:	PROGRAM AND
Attorney Docket No: 87819(302716)	:	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 February 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

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: 65504-012US1	Application Number (if known): 13/058,393	Filing date: February 10, 2011
First Named Inventor: Christophe Daniel Mihalcea		
Title: OPTIMISED FERMENTATION MEDIA		

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 February 10, 2011
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*.*

☒ *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.: 65504-012US1
Client Ref. No.: TIS 508129USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Christophe Daniel Mihalcea et al.	Art Unit	: Not yet Assigned
		Examiner	: Not yet Assigned
Serial No.	: 13/058,393		
Filed	: February 10, 2011		
Title	: OPTIMISED FERMENTATION MEDIA		

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.

In broad terms, the invention relates to the use of a gas fermentation process to capture carbon and produce useful products, such as biofuels/fuel alcohols. More specifically, a carbon monoxide-containing gas, such as one obtained as a waste product of an industrial process, is used in conjunction with inorganic sulphur, which improves the efficiency of carbon uptake during anaerobic fermentation to produce a useful product.

The methods claimed may be useful for reducing 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 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 useful products. This reduces the

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., and 75 Fed. Reg. 98 (May 21, 2010).

emission of the greenhouse gases and limits the damaging effects that they have on the environment.

Also provided by the invention are methods to optimise the uptake of carbon monoxide and therefore maximise 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 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. 65504-012US1.

Respectfully submitted,

Date: February 10, 2011

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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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/058,393	08/08/2011	Christophe Daniel Mihalcea	65504-012US1	1954

69713 7590 09/16/2011
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER	
ART UNIT	PAPER NUMBER
1652	

NOTIFICATION DATE	DELIVERY MODE
09/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):
INFO@ORTPATENT.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

SEP 1 6 2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of :

MIHALCEA, Christophe *et al.*	:	DECISION ON PETITION
Application No. 13/058393	:	TO MAKE SPECIAL UNDER
Filed: February 10, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 65504-012US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 10, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1652 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

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APR 18 2011

PCT LEGAL ADMINISTRATION

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P.O. Box 1450
Alexandria, VA 22313-1450
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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of :
Zerbato et al. :
Application No.: 13/058,396 : DECISION
PCT No.: PCT/FR2008/051924 :
Int. Filing Date: 24 October 2008 : ON
Priority Date: 24 October 2007 :
Attorney Docket No.: 0540-1244 : PETITION
For: Coupling Device For A Hybrid Power Train That :
Operated In At Least Two Electrical/Combustion... :

The petition to revive under 37 CFR 1.137(b) filed on 10 February 2011 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 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.

Examination of the declaration filed under PCT Rule 4.17(iv)(a copy of which was filed on 10 February 2011) reveals that it satisfies the requirements of 37 CFR 1.497(a) and (b). Since this declaration was filed during the international phase, prior to the elapse of 30 months from the priority date, the surcharge under 37 CFR 1.492(h) is not required. The processing fee under 37 CFR 1.492(i) is being charged to counsel's Deposit Account.

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 **10 February 2011**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of :
Byrne et al. :
Application Number: 13/058,403 : NOTICE
Deposited: 02/10/2011 :
Attorney Docket Number: HGF 3.3-003 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on March 1, 2011.

The Office no longer investigates or rejects original or reissue patents under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

DWood

Douglas Wood
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/058,522	02/10/2011	Heiji Niiyama	PNXW-09083US	1889

21254 7590 05/03/2011

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
ART UNIT	PAPER NUMBER
2875	

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.

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of	**: DECISION ON REQUEST TO**
NIIYAMA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 13/058,522	**: PROSECUTION HIGHWAY**
Filed: 10 February 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: PNXW-09083US	**: TO MAKE SPECIAL UNDER**
For: LIGHT-EMITTING 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 11 April 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;

3. Applicant must
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and

b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate (if the translation is not a machine translation provided by the JPO);

6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (2) and (3).

Regarding the requirement of condition (2), applicant has failed to submit a Japanese copy of the allowable/patentable claims from the JPO application and a statement that the translation is accurate.

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. US claim 1 is directed to a light-emitting device and clearly does not correspond to JP claim 1 which is directed to a tabular radiating member.

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 Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/058,522	02/10/2011	Heiji Niiyama	PNXW-09083US	1889

21254 7590 06/07/2011

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
06/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SUITE 200
VIENNA VA 22182-3817

In re Application of	**: DECISION ON REQUEST TO**
NIYAMA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 13/058,522	**: PROSECUTION HIGHWAY**
Filed: 10 February 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: PNXW-09083US	**: TO MAKE SPECIAL UNDER**
For: LIGHT-EMITTING 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 11 April 2011 and renewed on 03 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

MAILED

APR 19 2011

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of WANG et al.	:	
Application No.: 13/058,523	:	DECISION ON
PCT No.: PCT/US09/39562	:	
Int. Filing: 03 April 2009	:	PETITION TO REVIVE
Priority Date: 03 April 2008	:	
Attorney Docket No.: 4735.P036	:	UNDER 37 CFR 1.137(b)
For: CLINICAL FORCE SENSING GLOVE	:	

The petition to revive under 37 CFR 1.137(b) filed 10 February 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required fees and documents, from the due date until the filing of this petition, was unintentional" 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.

Applicant paid the basic national fee ($165) and the petition fee ($810) by authorization to charge his deposit account. The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing including issuance of a Notification of Missing Requirements indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

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MAY 11 2011

PCT LEGAL ADMINISTRATION

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of WANG et al.
Application No.: 13/058,523
PCT No.: PCT/US09/39562
Int. Filing: 03 April 2009
Priority Date: 03 April 2008
Attorney Docket No.: 4735.P036
For: CLINICAL FORCE SENSING GLOVE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 10 February 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required fees and documents, from the due date until the filing of this petition, was unintentional" 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.

Applicant paid the basic national fee ($165) and the petition fee ($810) by authorization to charge his deposit account. The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing including issuance of a Notification of Missing Requirements indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

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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.
13/058,557	02/11/2011	Ekishu Nagae	P10,0239	2263

26574 7590 05/16/2011

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
233 S. Wacker Drive-Suite 6600
CHICAGO, IL 60606-6473

EXAMINER	
ART UNIT	PAPER NUMBER
1715	

MAIL DATE	DELIVERY MODE
05/16/2011	PAPER

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The time period for reply, if any, is set in the attached communication.

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May 16, 2011 BC

In re application of	:	DECISION ON REQUEST TO
Ekishu Nagae et al.	:	PARTICIPATE IN PATENT
Serial No. 13/058,557	:	PROSECUTION HIGHWAY
Filed: February 11, 2011	:	PROGRAM AND
For: OPTICAL THIN-FILM DEPOSITION	:	PETITION TO MAKE SPECIAL
DEVICE AND OPTICAL THIN-FILM	:	UNDER 37 CFR 1.102(a)
FABRICATION METHOD	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed February 11, 2011.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:
(2)(c) There is no certified statement that the English translation of the patented/allowed JPO claims is accurate.
(3) Claim 1 does not sufficiently correspond to any of the allowed/patented claims in JP2009-552944 for the following reasons: (a) the term "a drive" (line 8) is of a different scope that "rotating means" and (b) claim 1 in JP '944 requires that the maximum angle is defined between an axis for each direction, which is not present in claim 1. Claims 9-15 also do not sufficiently correspond to any of the allowed/patented claims in JP '944. It is noted that the method claims in the JP '944 application do not set forth any of the claimed steps in claims 9-15.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS). Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/058,557	02/11/2011	Ekishu Nagae	P10,0239	2263

26574 7590 07/26/2011
SCHIFF HARDIN, LLP
PATENT DEPARTMENT
233 S. Wacker Drive-Suite 6600
CHICAGO, IL 60606-6473

EXAMINER	
ART UNIT	PAPER NUMBER
1715	

MAIL DATE	DELIVERY MODE
07/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 26 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BC

In re application of Ekishu Nagae et al. Serial No. 13/058,557 Filed: February 11, 2011 For: OPTICAL THIN-FILM DEPOSITION DEVICE AND OPTICAL THIN-FILM FABRICATION 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 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 June 14, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SONAPAT LLC
ONE RESEARCH COURT
SUITE 450
ROCKVILLE MD 20850

MAILED

DEC 20 2011

OFFICE OF PETITIONS

In re Application of :
BERT STEFFAN :
Application No.: 13/058,558 :
PCT No.: PCT/EP2009/060450 :
Int. Filing Date: 12 August 2009 :
Priority Date: 14 August 2008 :
Atty. Docket No.: 0011.0001.US01 :
For: SYNTHESIS OF EQUOL :

DECISION

This is a decision on applicants' "PETITION UNDER 37 C.F.R. §1.47(b)," filed in the U.S. Patent and Trademark Office (USPTO) on 07 October 2011, which requests that the application be accepted without the signature of the sole inventor, Bert Steffan, on the grounds that he refuses to execute the application. The petition is **GRANTED** as discussed below.

A review of the application file reveals that the present petition was accompanied by, *inter alia*, an acceptable showing of inventor Steffan's refusal. Therefore the requirements of 37 CFR 1.47(b) 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(b), a notice of the filing of this application will be forwarded to the non-signing inventor 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(b) will be published in the *Official Gazette*.

The application has an international filing date of 12 August 2009, under 35 U.S.C. 363 and a date of **07 October 2011**, under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

(571)272-3231

Conferee: Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT and TRADEMARK OFFICE

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PO BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BERT STEFFAN
ALBERTUSWEG 12
DE-50599 KOLN
GERMANY

MAILED

DEC 20 2011

OFFICE OF PETITIONS

In re Application of
BERT STEFFAN
Application No.: 13/058,558
PCT No.: PCT/EP2009/060450
Int. Filing Date: 12 August 2009
Priority Date: 14 August 2008
Atty. Docket No.: 0011.0001.US01
For: SYNTHESIS OF EQUOL

NOTIFICATION

Dear Bert Steffan:

You are named as the inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as the inventor.

As the 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.

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

OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of a national stage application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of the inventor. 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 (Bert Steffan) 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/EP2009/060450 and was filed on 12 August 2009, in the name of Bert Steffan for the invention entitled SYNTHESIS OF EQUOL. The national stage application number is 13/058,558 and has a 35 U.S.C. 371(c) date of 07 October 2011.

UNITED STATES PATENT AND TRADEMARK OFFICE

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HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

MAILED
OCT 28 2011
PCT LEGAL ADMINISTRATION

In re Application of :
LI, Shaohua :
Application No.: 13/058,610 :
PCT No.: PCT/EP2008/060647 :
Int. Filing Date: 13 August 2008 : DECISION
Priority Date: None :
Att. Docket No.: 863.0297.U1(US) :
For: METHOD OF GENERATING A CODEBOOK :

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 03 August 2011.

BACKGROUND

On 08 March 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) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 03 August 2011, applicants submitted the surcharge fee and a declaration of the inventors listing two inventors, this request and the fee for a three month extension of time.

DISCUSSION

Applicants file this request to add Wan Lei 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

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: 65504-013US1	Application Number (if known): 13/058,629	Filing date: February 11, 2011
First Named Inventor: Sean Dennis Simpson		
Title: ALCOHOL PRODUCTION 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: _____

Signature F. A. Lichauco	Date Feb. 11, 2011
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.: 65504-013US1
Client Ref. No.: TIS 507728USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean Dennis Simpson et al.	Art Unit	: Not yet Assigned
Serial No.	: 13/058,629	Examiner	: Not yet Assigned
Filed	: February 11, 2011		
Title	: ALCOHOL PRODUCTION PROCESS		

MAIL STOP AMENDMENT
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.

In broad terms, the invention relates to the use of a gas fermentation process to capture carbon and produce useful products such as biofuels/fuel alcohols. In some practices, the invention relates to capturing carbon monoxide-containing gas that is obtained as a waste product of an industrial process and using that gas as a substrate during anaerobic fermentation in a bioreactor to produce one or useful products such as ethanol.

The methods and systems claimed are useful for reducing 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 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 useful products.

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., and 75 Fed. Reg. 98 (May 21, 2010).

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 for increasing the efficiency of the carbon capture process by determining the amount of carbon captured and using this determination to optimize the production of the useful products.

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 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. 65504-013US1. No other fees are believed to be due. However, to the extent any fees are due, or if a refund is forthcoming, please adjust the above-mentioned deposit account referencing the above-mentioned attorney docket number.

Respectfully submitted,

Date: February 11, 2011

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

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.
13/058,629	04/27/2011	Sean Dennis Simpson	65504-013US1	2735

69713 7590 08/29/2011
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER	
ART UNIT	PAPER NUMBER
1641	

NOTIFICATION DATE	DELIVERY MODE
08/29/2011	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):

INFO@ORTPATENT.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AUG 2 9 2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of :

SIMPSON, Sean *et al.*	:	DECISION ON PETITION
Application No. 13/058629	:	TO MAKE SPECIAL UNDER
Filed: February 11, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 65504-013US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 1641 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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	Not Yet Assigned	Filing date:	Concurrently Herewith
First Named Inventor:	Michael F. Pyszczek		
Title of the Invention:	HIGH ENERGY DENSITY BATTERY FOR USE IN IMPLANTABLE MEDICAL DEVICES AND METHODS OF MANUFACTURE		

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/US09/53209

The international filing 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)**

☑ 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 KIPO AND THE USPTO

(continued)

Application No.:	Not Yet Assigned
First Named Inventor:	Michael F. Pyszczek

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
1-38	1-38	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Anne M. Schneiderman 43,095/	Date February 11, 2011
Name (Print/Typed) Anne M. Schneiderman	Registration Number 43,095

What is claimed is:

1. A high energy density battery comprising:

a case comprising an outer surface, an inner surface and a case opening;

a header assembly inserted in the case opening, the header assembly comprising:

an electrical feed-through, the electrical feed-through comprising a terminal pin,

a glass-to-metal seal, and

a surrounding sidewall extending through the case opening to the outer surface and the inner surface of the case, the case opening being sized to receive the header assembly, with the header assembly surrounding sidewall contacting the case opening;

an electrode stack, the electrode stack comprising:

an anode layer, the anode layer comprising electrically conductive, chemically active material, an upper surface, and a lower surface,

an anode lead, the anode lead comprising electrically conductive material, an anode lead origin and an anode lead end, wherein:

the anode lead origin is connected to the anode layer, and

the anode lead end extends into the case and attaches to the terminal pin;

an insulative separator layer, the insulative separator layer comprising an upper surface and a lower surface;

a cathode layer, the cathode layer comprising electrically conductive, chemically active material, an upper surface and a lower surface;

a cathode lead, the cathode lead comprising electrically conductive material, a cathode lead origin and a cathode lead end, wherein:

the cathode lead origin is connected to the cathode layer, and

the cathode lead end extends into the case and attaches to the positive terminal;

a current collecting lead, the current collecting lead disposed between a cathode tab and the terminal pin, wherein the current collecting lead:

is electrically connected across the cathode layer of the electrode stack, and

is insulated with an insulative material; and

an electrolyte solution, the electrolyte solution disposed within the case and contacting the electrode stack.

2. The high energy density battery of claim 1 that is a primary battery.

3. The high energy density battery of claim 1 that is a secondary battery.

4. The high energy density battery of claim 1 wherein the battery case comprises a material selected from the group consisting of nickel, stainless steel, aluminum, titanium, glass and ceramic.

5. The high energy density battery of claim 1 wherein the battery case is a deep-drawn battery case.

6. The high energy density battery of claim 1 wherein the battery case is a multi-part or clam-shell case.

7. The high energy density battery of claim 1 wherein the battery case is a liner or insulating bag.

8. The high energy density battery of claim1 comprising a plurality of electrode stacks, wherein the anode layer of one or more electrode stacks of the plurality is connected in series or in parallel to at least one other anode layer of an electrode stack of the plurality, and the cathode layer of one or more electrode stacks of the plurality is connected in series or in parallel to at least one other cathode layer of an electrode stack of the plurality.

9. The high density energy battery of claim 1 wherein the electrode stacks are electrically connected to the current collecting lead.

10. The high density energy battery of claim 1 wherein the header assembly comprises a plurality of electrical feed-throughs.

11. The high density energy battery of claim 1 wherein the lower surface of the insulative separator layer is disposed on the upper surface of the anode layer.

12. The high density energy battery of claim 1 wherein the lower surface of the cathode layer is disposed on the upper surface of the insulative separator layer.

13. The high density energy battery of claim 1 comprising a plurality of electrode stacks.

14. The high density energy battery of claim 1 wherein the anode layer of one or more electrode stacks of the plurality is connected in series or in parallel to at least one other anode layer of an electrode stack of the plurality, and the cathode layer of one or more electrode stacks of the plurality is connected to at least one other cathode layer of an electrode stack of the plurality.

15. The high energy density battery of claim 1 wherein the anode layer comprises a material selected from the group consisting of a group IA metal or an alloy thereof (e.g., lithium, lithium compound), a group IIIA metal or an alloy thereof, and a carbonaceous material (e.g., carbon, graphite).

16. The high energy density battery of claim 1 wherein the cathode layer comprises an active material selected from the group consisting of a fluorinated carbon material, a halogenated carbon material, a transition metal oxide, a transition metal sulfide, and a lithium insertion compound.

17. The high energy density battery of claim 16 wherein the active material is an inter-dispersed pressed powder.

18. The high energy density battery of claim 16 wherein the transition metal oxide is selected from the group consisting of Ag_2O, Ag_2O_2, CuF_2, Ag_2CrO_4, MnO_2, V_2O_5, silver vanadium oxide, copper vanadium oxide, copper oxide, and copper silver vanadium oxide.

19. The high energy density battery of claim 16 wherein the transition metal sulfide is selected from the group consisting of TiS_2, Cu_2S, FeS, and FeS_2.

20. The high energy density battery of claim 1 wherein the electrode stack is positioned in the case to minimize unused volume within the case.

21. The high energy density battery of claim 1 wherein the electrode stack has a flat, jelly-roll or serpentine configuration.

22. The high energy density battery of claim 1, wherein the battery delivers at least about 20 joules in about 20 seconds or less.

23. The high energy density battery of claim 1, wherein the battery delivers at least about 20 joules at least twice in a period of about 30 seconds.

24. A method for manufacturing a high energy density battery comprising:

a. providing a case;

b. providing an electrode stack assembly, wherein the electrode stack assembly comprises an anode layer, a cathode layer and a layer of separator material;

c. connecting the anode layer to the case with an anode connecting lead;

d. connecting the cathode layer to an insulated terminal pin with a cathode connecting lead;

e. positioning the anode connecting lead and the cathode connecting lead proximate to the center line of the stack and on the radiused or curved side of the stack;

f. electrically connecting the cathode layer to the positive current collecting lead;

g. electrically connecting the anode layer to a current collecting lead, wherein the current collecting lead is of sufficient length to extend from the side of the electrode stack where the connections are made to the opposing side of the stack assembly;

h. electrically connecting the cathode layer to a current collecting lead, wherein the current collecting lead is of sufficient length to extend from the side of the electrode stack where the connections are made to the opposing side of the stack assembly;

i. electrically connecting the positive current collecting lead to the feed-through pin;

j. electrically insulating the feed-through pin with a glass-to-metal seal, thereby providing the feed-through pin with positive polarity;

k. electrically connecting the anode layer to the negative current collecting lead;

l. electrically connecting the current collecting lead to the case, thereby providing the case with negative polarity;

m. electrically connecting the positive current collecting lead to the glass-to-metal seal of the header assembly and to the electrode stack; and

n. attaching the feed-through pin to the case.

25. The method of claim 24 wherein the case comprises an electrolyte fill port, the method additionally comprising:

introducing an electrolyte solution into an electrolyte fill port of the case; and

hermetically sealing the electrolyte fill port.

26. Use of the method of claim 24 to increase the volumetric energy density of a battery.

27. Use of the method of claim 24 to reduce the size of a battery having a desired energy density.

28. A method for manufacturing a high energy density battery comprising:

providing a case, the case comprising an open portion;

attaching a header assembly to the case, the header assembly comprising:

an electrical feed-through, the electrical feed-through comprising a terminal pin, and

a glass-to-metal seal;

inserting an electrode stack into the case through the open portion, the electrode stack comprising:

an anode layer, the anode layer comprising electrically conductive, chemically active material, an upper surface, and a lower surface,

an anode lead, the anode lead comprising electrically conductive material, an anode lead origin and an anode lead end, wherein:

the anode lead origin is connected to the anode layer, and

the anode lead end extends into the case and attaches to the terminal pin,

an insulative separator layer, the insulative separator layer comprising an upper surface and a lower surface,

a cathode layer, the cathode layer comprising electrically conductive, chemically active material, an upper surface and a lower surface, and

a cathode lead, the cathode lead comprising electrically conductive material, a cathode lead origin and a cathode lead end, wherein:

the cathode lead origin is connected to the cathode layer,

the cathode lead end extends from the case to the terminal pin,

the cathode lead attaches to the terminal pin,

connecting a current collecting lead to the cathode lead and the terminal pin, wherein the current collecting lead is insulated with an insulative material, and wherein the current collecting lead extends across layers of the electrode stack;

placing an electrolyte solution inside the case;

placing a cover over the open portion of the case; and

hermetically sealing the cover to the case.

29. The method of claim 28 wherein the cathode layer is rolled or pressed.

30. The method of claim 28 wherein the cathode layer comprises a material formed by pressing or compressing a powdered active material.

31. Use of the method of claim 28 to increase the volumetric energy density of a battery.

32. Use of the method of claim 28 to reduce the size of a battery having a desired energy density.

33. An apparatus comprising:

a. an electrically powered implantable medical device; and

b. the high energy density battery of claim 1 operatively connected to the electrically powered implantable medical device.

34. The apparatus of claim 33 wherein the electrically powered implantable medical device is selected from the group consisting of cardiac rhythm management device, neurostimulation device, pump for dispensing drug or pharmaceutical composition, diagnostic sensor, regeneration and repair device, tissue repair device, and human interface device.

35. A method for constructing an apparatus comprising:

providing an electrically powered device;

providing the high energy density battery of claim 1; and

operatively connecting the high energy density battery to the electrically powered device.

36. An apparatus comprising:

an electricity-generating device; and

the high energy density battery of claim 1 operatively connected to the electricity-generating device.

37. The apparatus of claim 36 wherein the electricity-generating device is selected from the group consisting of a photovoltaic array, a DC power supply, and a charging battery.

38. A method for constructing an apparatus comprising:

providing an electricity-generating device;

providing the high energy density battery of claim 1; and

operatively connecting the high energy density battery to the electricity-generating device.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
SCHNEIDERMAN ANNE M.

LAW OFFICES OF ANNE M. SCHNEIDERMAN PHD 102 EAST STATE ST. SUITE 7 P.O. BOX 422 ITHACA NY 14851-0422 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**01 FEBRUARY 2010 (01.02.2010)**
Applicant's or agent's file reference BAL-004PCT	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/053209	**07 AUGUST 2009 (07.08.2009)**	14 AUGUST 2008 (14.08.2008)

International Patent Classification (IPC) or both national classification and IPC

H01M 2/02(2006.01)i, H01M 4/38(2006.01)i, H01M 4/58(2010.01)i, A61B 1/00(2006.01)i, A61B 5/00(2006.01)i

Applicant

BALAN BIOMEDICAL, INC. et al

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	28 JANUARY 2010 (28.01.2010)	KIM, Yeon-gyeong Telephone No.82-42-481-5393

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/053209

Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. a sequence listing filed or furnished
      ☐ on paper
      ☐ in electronic form

   b. time of filing or furnishing
      ☐ contained in the international application as filed.
      ☐ filed together with the international application in electronic form.
      ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additioanl copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/053209

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	1-38	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-38	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-38	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 7128765 B2 (PAULOT et al.) 31 October 2006
D2: US 6946220 B2 (JOSEPH M. PROBST et al.) 20 September 2005
D3: US 7344800 B2 (YOUKER et al.) 18 March 2008
D4: US 5456698 A1 (BYLAND; JAMES K. et al.) 10 October 1995

1. Novelty and Inventive Step

1.1 Independent claims [1, 24, 28, 33, 35, 36, 38]

1.1.1 Concerning claim [1]
D1, which is considered to be the closest prior art to the subject matter of claim 1, shows an electrochemical cell having plate electrodes housed inside mating "clam shell" casing components. Compared with D1, the subject matter of claim 1 is different from D1 in that a high energy density battery of claim 1 further includes an anode layer; an anode lead comprising an anode lead origine and an anode lead end; and a cathode lead origine and a cathode lead end. And this technical feature is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 1 is novel and involves an inventive step under PCT Article 33(2) and (3).

1.1.2 Concerning claim [24]
Claim 24 differs from D1 in that a method for manufacturing a high energy density battery of claim 24 comprises connecting the positive current collecting lead to the feed-through pin; insulating the feed-through pin with a glass-to-metal seal; and attaching the feed-through pin to the case. Accordingly, the subject matter of claim 24 is not anticipated by the prior art, nor obvious to a person skilled in the art. Therefore, claim 24 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

1.1.3 Concerning claim [28]
Claim 28 relates to a method for manufacturing a high energy density battery which comprises a high energy density battery with the characteristic of claim 1. Since the subject matter of claim 1 involves novelty and an inventive step, the subject matter of claim 28 is considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

1.1.4 Concerning claims [33, 35, 36, 38]
Claims [33, 36] and Claims [35, 38] relate respectively to an apparatus and to a method for constructing the apparatus having the characteristic of a high energy density battery of claim 1. Since the subject matter of claim 1 involves novelty and an inventive step, the subject matter of claims [33, 36] and claims [35, 38] are considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

Continued on Supplemental Box --->

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/053209

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of :

Box V

1.2 Dependent claims [2-23, 25-27, 29-32, 34, 37]

Claims [2-23], claims [25-27], claims [29-32], claim [34] and claim [37] refer respectively to claim [1], claim [24], claim [28], claim [33] and clam [36], so they are also considered to be novel under PCT Article 33(2) and to involve an inventive step under PCT Article 33(3).

2. Industrial Applicability
Claims [1-38] meet the criteria of PCT Article 33(4), because the claimed invention can be used in industry.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/058,642	02/11/2011	Michael F. Pyszczek	1612_004US	2812

20874 7590 05/11/2011

MARJAMA MULDOON BLASIAK & SULLIVAN LLP
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SYRACUSE, NY 13202

EXAMINER	
HAN, KWANG S	

ART UNIT	PAPER NUMBER
1727	

MAIL DATE	DELIVERY MODE
05/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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MAY 11 2011

BC

In re application of	:	DECISION ON REQUEST TO
Michael F. Pyszczek	:	PARTICIPATE IN PATENT
Serial No. 13/058,642	:	PROSECUTION HIGHWAY
Filed: February 11, 2011	:	PROGRAM AND
Attorney Docket No: 1612_004US	:	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 February 11, 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 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

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: 65504-015US1	Application Number (if known): 13/058,678	Filing date: February 11, 2011
First Named Inventor: Simon David Oakley		
Title: IMPROVED CARBON CAPTURE IN 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
	February 11, 2011
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.: 65504-015US1
Client Ref. No.: TIS 508310USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Simon David Oakley	Art Unit	: Not yet assigned
Serial No.	: 13/058,678	Examiner	: Not yet assigned
Filed	: February 11, 2011		
Title	: IMPROVED CARBON CAPTURE IN FERMENTATION		

MAIL STOP AMENDMENT
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.

In broad terms, the invention relates to the use of a gas fermentation process to capture carbon from the atmosphere and to use it in connection with producing useful products such as biofuels/fuel alcohols. This is apparent from the preamble of claim 1, which recites a method of increasing carbon capture. As recited in claims 3 and 4, a carbon dioxide byproduct of fermentation is recycled back into the gasifier. This increases the overall efficiency of the carbon capturing process.

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 examination be accelerated under the Pilot Program.

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., and 75 Fed. Reg. 98 (May 21, 2010).

Pursuant to the requirements of the Pilot Program, please apply the $300 publication fee to Deposit Account No. 50-4189, referencing Attorney Docket No. 65504-015US1.

Respectfully submitted,

Date: February 11, 2011

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/058,678	08/03/2011	Simon David Oakley	65504-015US1	3040

19135 7590 12/16/2011

LanzaTech Inc.
725-C East Irving Park Road
Roselle, IL 60172

EXAMINER	
ART UNIT	PAPER NUMBER
1652	

NOTIFICATION DATE	DELIVERY MODE
12/16/2011	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):

frank.molinaro@lanzatech.com
grainne.smith@lanzatech.com

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DEC 16 2011

LanzaTech Inc.
725-C East Irving Park Road
Roselle IL 60172

In re Application of

OAKLEY, Simon *et al.*	:	DECISION ON PETITION
Application No. 13/058678	:	TO MAKE SPECIAL UNDER
Filed: February 11, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 65504-015US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 1652 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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-AU (01-11)
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 IP AUSTRALIA (IPAU) AND THE USPTO

Application No:	13/058,678	Filing date:	2 February 2011
First Named Inventor:	Simon David Oakley		
Title of the Invention:	Improved Carbon Capture in Fermentation		

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/NZ2010/000082

The international filing date of the corresponding PCT application(s) is/are: 29 April 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.

PTO/SB/20PCT-AU (01-11)
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 PCT-PPH PILOT PROGRAM BETWEEN THE IPAU AND THE USPTO

(continued)

Application No.:	13/058,678
First Named Inventor:	Simon David Oakley

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 02/11/2011

(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 02/11/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-17 and 19-21	1-21	Claim 18 was deleted to comply with GTPP

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Frank S. Molinaro/	Date 01/23/2012
Name (Print/Typed) Frank S. Molinaro	Registration Number 32,710

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

MAR 12 2012

OFFICE OF PETITIONS

LanzaTech Inc.
725-C East Irving Park Road
Roselle IL 60172

In re Application of : DECISION ON REQUEST TO
Simon David OAKLEY : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 13/058,678 : AND PETITION TO MAKE SPECIAL
Filed: August 3, 2011 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: LT31US
For: IMPROVED CARBON CAPTURE IN FERMENTATION

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed January 23, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

Requirements (1) to (3) and (5) to (8) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (4).

Regarding requirement (4), applicant has failed to indicate whether claims 1-17 and 19-21 substantially correspond to the claims in the PCT application.

Applicant is given **ONE** opportunity with a time period of **ONE MONTH** or **THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros. Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

David Bucci
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	13/058,678	Confirmation No. 3040
Applicant	:	Simon David Oakley et al	
Filed	:	08/03/2011	
TC/A.U.	:	1657	
Examiner	:	Rosanne Kosson	
Docket No.	:	LT31US	
Customer No.	:	19135	

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

03/27/2012

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN PCT-PPH PROGRAM

Sir:

In response to the Decision on Request to Participate in PCT-PPH Program of US Application No 13/058,678 mailed 03/12/2012, Applicants reply as follows. It appears that the petition was dismissed because there was no explicit recitation as to which US claims correspond to which claims in the PCT application. Applicants hereby provide the correspondence as follows. Claims 1 to 17 currently pending in US Application No. 13/058,678 substantially correspond to claims 1 to 17 of PCT Application No. PCT/NZ2010/000082 and claims 19 to 21 currently pending in US Application No. 13/058,678 substantially correspond to claims 19 to 21 of PCT Application No. PCT/NZ2010/000082.

Respectfully submitted,

/Frank S. Molinaro/
Frank S. Molinaro
Attorney for Applicants
Reg. No. 32,710
(224) 244-2414 (phone)
(630) 439-3066 (fax)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

APR 06 2012

OFFICE OF PETITIONS

LanzaTech Inc.
725-C East Irving Park Road
Roselle IL 60172

In re Application of : DECISION ON REQUEST TO
Simon David OAKLEY : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 13/058,678 : AND PETITION TO MAKE SPECIAL
Filed: August 3, 2011 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: LT31US
For: IMPROVED CARBON CAPTURE IN FERMENTATION

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed March 27, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 1629 for action commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/058,709	04/11/2011	Tetsuya Endo	03507.002200.	3180

5514 7590 07/12/2011
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
ART UNIT	PAPER NUMBER
1724	

MAIL DATE	DELIVERY MODE
07/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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

July 12, 2011 BC

In re application of	:	DECISION ON REQUEST TO
ENDO, TETSUYA et al.	:	PARTICIPATE IN PATENT
Serial No. 13/058,709	:	PROSECUTION HIGHWAY
Filed: February 11, 2011	:	PROGRAM AND
Attorney Docket No.: 03507.002200.	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed April 5, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the 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

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: 65504-014US1	Application Number (if known): 13/058,727	Filing date: February 11, 2011
First Named Inventor: Simon Richard Trevethick		
Title: IMPROVED FERMENTATION OF GASEOUS SUBSTRATES		

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 2-11-2011
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*.*

☒ *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.: 65504-014US1
Client Ref. No.: SHR 508455USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Simon Richard Trevethick et al.	Art Unit	: Not yet assigned
		Examiner	: Not yet assigned
Serial No.	: 13/058,727		
Filed	: February 11, 2011		
Title	: IMPROVED FERMENTATION OF GASEOUS SUBSTRATES		

MAIL STOP AMENDMENT
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.

In broad terms, the invention relates to a bioreactor system for a gas fermentation process that captures carbon and produces useful products, such as biofuels/fuel alcohols. More specifically, the bioreactor accepts a carbon monoxide-containing gas, such as those obtained as a waste product of an industrial process. and uses it as a substrate during anaerobic fermentation to produce one or useful products such as ethanol. Claim 32 is directed specifically to supplying a substrate containing carbon dioxide, and using the carbon dioxide in the course of fermentation, thus removing it from the atmosphere.

The arrangements and methods claimed are thus useful for reducing the total atmospheric carbon content by capturing carbon from gas streams.

Also provided by the invention are methods for maximizing the efficiency of capturing atmospheric carbon by circulating the fermentation broth and/or passing the fermentation broth through channels. This optimizes the production of useful products and maximises the amount of carbon removed from the atmosphere.

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[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., and 75 Fed. Reg. 98 (May 21, 2010).

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 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. 65504-007US1.

Respectfully submitted,

Date: February 11, 2011

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

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.
13/058,727	06/28/2011	Simon Richard Trevethick	65504-014US1	3250

69713 7590 08/12/2011
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER	
ART UNIT	PAPER NUMBER
1652	

NOTIFICATION DATE	DELIVERY MODE
08/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):
INFO@ORTPATENT.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

AUG 12 2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of :

TREVETHICK, SIMON *et al.*	:	DECISION ON PETITION
Application No. 13/058727	:	TO MAKE SPECIAL UNDER
Filed: February 11, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 65504-014US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 1652 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600

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JUN 17 2011

PCT LEGAL ADMINISTRATION

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of: LEES, Russell, et al.
U.S. Application No.: 13/058,739
PCT No.: PCT/GB2009/002051
International Filing Date: 21 August 2009
Priority Date: 21 August 2008
Attorney's Docket No.: 29610/CDT898
For: ORGANIC ELECTROLUMINESCENT DEVICE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 C.F.R. §1.47(a)" filed 03 May 2011. Applicants have paid the required petition fee.

BACKGROUND

On 21 August 2009, applicants filed international application PCT/GB2009/002051. The international application claimed a priority date of 21 August 2008, and it designated the United States. On 25 February 2010, 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., 21 February 2011.

On 11 February 2011, applicants filed materials to initiate the present U.S. national stage application including, among other materials, payment of the basic national fee.

On 03 March 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 03 May 2011, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge, a declaration executed by one of the two inventors of record, and the "Petition Under 37 C.F.R. §1.47(a)" considered herein. The petition seeks acceptance of the application without the signature of the non-signing legal representative of deceased co-inventor Russell LEES, whom applicants assert has refused to execute the application.

DISCUSSION

The present petition asserts that co-inventor Russell LEES is deceased and that the inventor's legal representative, Angela LEES, has refused to execute the application. Under these circumstances, a grantable petition under 37 CFR 1.47(a) must include: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing legal representative of the deceased inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing legal representative of the deceased inventor; and (4) factual proof that the legal representative of the deceased inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing legal representative of the deceased inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Procedure (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by the surviving inventor, and the declaration includes an unsigned signature block for the deceased inventor and the non-signing legal representative of the deceased inventor. The declaration includes all information required by 37 CFR 1.497(b)(2) with respect to the deceased inventor and his legal representative (i.e., the citizenship of the deceased inventor and the legal representative, as well as the residence and mailing address of the legal representative). In view of the above, the declaration may be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing legal representative of the deceased inventor. Accordingly, item (3) of a grantable petition is satisfied.

Regarding item (4), MPEP section 409.03(d)(II) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a firsthand statement from Andrew M. Lawrence, with supporting documents, providing an acceptable showing that a request for signature, accompanied by a copy of the complete application, was delivered to the non-signing legal

representative of the deceased inventor at her last known address and that the non-signing legal representative has failed to provide the requested signature in response to applicants' request. These materials provide an acceptable showing that the non-signing legal representative of the deceased inventor has refused to execute the application. Item (4) is therefore satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of Angela REES, the non-signing legal representative of deceased inventor Russell LEES.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing legal representative of the application will be forwarded to the legal representative's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 May 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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PCT LEGAL ADMINISTRATION

Angela LEES
1A Egremont Street
Ely, Cambridgeshire CB6 1AE
UNITED KINGDOM

In re Application of: LEES, Russell, et al.
U.S. Application No.: 13/058,739
PCT No.: PCT/GB2009/002051
International Filing Date: 21 August 2009
Priority Date: 21 August 2008
Attorney's Docket No.: 29610/CDT898
For: ORGANIC ELECTROLUMINESCENT DEVICE

Dear Ms. LEES:

You are identified as the legal representative of Russell LEES, an inventor, now deceased, 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 the legal representative of the inventor.

As the legal representative of a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:
Andrew M. Lawrence
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

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POLSINELLI SHUGHART PC
700 W. 47TH STREET
SUITE 1000
KANSAS CITY MO 64112-1802

In re Application of: ROXAS-DUNCAN, et al.
U.S. Application No.: 13/058,764
PCT No.: PCT/US2009/045546
International Filing Date: 28 May 2009
Priority Date: 28 May 2008
Attorney's Docket No.: 048093-NP
For: SMALL MOLECULE INHIBITORS OF BOTULINUM NEUROTOXINS

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 11 February 2011 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2009/045546 became abandoned with respect to the United States at midnight on 28 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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APR 20 2011

PCT LEGAL ADMINISTRATION

FISH & RICHARDSON P.C. (DA)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of RECHENMACHER	:	
Application No.: 13/058,823	:	DECISION ON
PCT No.: PCT/US09/51669	:	
Int. Filing: 24 July 2009	:	PETITION TO REVIVE
Priority Date: 25 July 2008	:	
Attorney Docket No.: 30598-0002US1	:	UNDER 37 CFR 1.137(b)
For: HYDRAULIC ENGINE WITH INFINITY DRIVE	:	

The petition to revive under 37 CFR 1.137(b) filed 11 February 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 this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

Applicant paid the basic national fee ($165) and the petition fee ($810) by authorization to charge his deposit account. The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing including issuance of a Notification of Missing Requirements indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

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PCT LEGAL ADMINISTRATION

SYLKE LAW OFFICES, LLC
756 N. MILWAUKEE STREET
SUITE 210
MILWAUKEE WI 53202

In re Application of :
HASHIM-WARIS, Muhammed :
Application No.: 13/058,860 :
PCT No.: PCT/US2009/053836 :
Int. Filing Date: 14 August 2009 : DECISION
Priority Date: 15 August 2008 :
Attorney Docket No.: 0209-p04 US :
For: SYSTEMS AND METHODS FOR :
DELIVERING MEDICAL :
CONSULTATION AT PHARMACIES :

This decision is in response to applicant's petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 14 February 2011.

BACKGROUND

On 12 February 2011, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The papers identified the filing as a national phase entry of PCT/US2009/053832, while electronic data identified the filing as a national phase entry of PCT/US2009/053836.

On 14 February 2011, applicant filed this petition under 37 CFR 1.182.

DISCUSSION

A filing under 35 USC 371 is the national phase entry of only one international application. Applicant indicates that this application was intended to be the national phase of PCT/US2009/053836. Applicant has paid the required petition fee. The indications in this application will be corrected to indicate that this is a national phase of PCT/US2009/053836.

If applicants wish to remove the misdirected papers from the file, applicants need to file a petition under 37 CFR 1.59 to expunge them. However, notations have been placed on the documents that they do not relate to this national phase application.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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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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:	13/058,889	Filing date:	14 February 2011
First Named Inventor:	TAIHEI MUKAIDE		
Title of the Invention:	X-RAY IMAGING APPARATUS AND X-RAY IMAGING 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/JP2010/071763

The international date of the corresponding PCT application(s) is/are: 29 November 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.

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/058,889
First Named Inventor:	TAIHEI MUKAIDE

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 22 June 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 14 Feb 2011 and 22 Jun 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	3/1	Substantive contents of both claims are same, except that an X-ray generating unit is recited as essential element. as required by ISA
2	3/2	Substantive contents of both claims are same.
4	4	Substantive contents of both claims are same.
5	5	Substantive contents of both claims are same.
6	8/6	Substantive contents of both claims are same.
7	8/7	Substantive contents of both claims are same.
9	9	Substantive contents of both claims are same.
10	10	Substantive contents of both claims are same.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Leonard P Diana/	Date 15 November 2011
Name (Print/Typed) Leonard P. Diana	Registration Number 29296

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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In re Application of
Dwight Darling

Application No. 13058909

Filed: February 14,2011

Attorney Docket No. 5211-09-14

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 13-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	13/058,909	Confirmation Number	5008	Filing Date	2011-02-14
Attorney Docket Number (optional)	5211-09-14	Art Unit		Examiner	
First Named Inventor	DARLING, Dwight				
Title of Invention	ELECTRONIC PRESENTATION OF WORLD TIME ZONES				

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
Dwight	Lewis	DARLING	

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	/Sheema Khan/	Date (YYYY-MM-DD)	2011-06-13
Name	Sheema Khan	Registration Number	57969

PTO/SB/130 (07-09)
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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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	13058909
Filing Date	14-Feb-2011
First Named Inventor	Dwight Darling
Art Unit	3715
Examiner Name	KANG HU
Attorney Docket Number	5211-09-14
Title	ELECTRONIC PRESENTATION OF WORLD TIME ZONES

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 55678

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

10.40(c)(1)(vi)

10.40(c)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Dwight DARLING
Address	P.O. Box 266
City	Brockville, Ontario
State	

Postal Code	K6V 5V5
Country	CA
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Sheema Khan/
Name	/Sheema Khan/
Registration Number	57969

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 14, 2012

In re Application of :

Dwight Darling

Application No : 13058909

Filed : 14-Feb-2011

Attorney Docket No : 5211-09-14

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 14, 2012

The request is **APPROVED.**

The request was signed by /Sheema Khan/ (registration no. 57969) on behalf of all attorneys/agents associated with Customer Number 55678 . All attorneys/agents associated with Cusotmer Number 55678 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 Dwight DARLING

Name2

Address 1 P.O. Box 266

Address 2

City Brockville, Ontario

State

Postal Code K6V 5V5

Country CA

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

MAILED

OCT 28 2011

PCT LEGAL ADMINISTRATION

In re Application of
STEPHENS *et al*
U.S. Application No.: 13/058,915
PCT No.: PCT/AU2009/001051
Int. Filing Date: 13 August 2009
Priority Date: 15 August 2008
Docket No.: P39681
For: METHOD AND SYSTEM FOR ASSESSMENT OF PIPELINE CONDITION

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the petition under 37 CFR 1.497(d) filed 12 September 2011.

BACKGROUND

On 07 March 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) and a surcharge fee was required. Applicants were given two months to respond with extensions available under 37 CFR 1.136(a).

On 08 August 2011, applicants filed a response which was accompanied by, *inter alia*, a declaration executed by five inventors, a three-month extension and $1,110.00 extension fee, and a $130.00 surcharge fee.

On 12 August 2011, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed stating that current declaration does not comply with 37 CFR 1.497(a) and (b) because the fourth and fifth named inventors are not listed on the international publication. Applicants were given one month to respond, or any time remaining on the Form PCT/DO/EO/905, whichever was longer.

On 12 September 2011, applicants filed the subject response which was accompanied by, *inter alia*, a consent of the assignee statement; a statement by each inventor being added; a $130.00 processing fee; a four-month extension and a $1,240.00 extension fee; and a copy of the declaration previously submitted.

DISCUSSION

Applicants request to add Young-il KIM and John VITKOVSKY as inventors 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.

Items (1) and (2) of 37 CFR 1.497(d) are complete.

Regarding item (3) of 37 CFR 1.497(d), a consent of assignee statement to add the two inventors was provided. The consent statement was signed by Ms. Jane Rathjen of Adelaide Research & Innovation PTY LTD. As Acting Managing Director. Ms. Rathjen states that she is authorized to act on behalf of the assignee. *See* MPEP § 324(V). The reel and frame number of the assignment was provided as required by 37 CFR 3.73(b)(1).

A review of the application shows that an assignment to Adelaide Research & Innovation PTY LTD. signed by all five inventors was recorded in the above-captioned application on 08 August 2011. This is sufficient to satisfy item (3) of 37 CFR 1.497(d).

All items of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to add Young-il KIM and John VITKOVSKY as inventors in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 08 August 2011 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 13 August 2009 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 08 August 2011.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED
DEC 07 2011
PCT LEGAL ADMINISTRATION

In re Application of :
SUZUKI et al :
Application No.: 13/058,961 :
PCT No.: PCT/KR2009/004512 :
Int. Filing Date: 12 August 2009 :
Priority Date: 12 August 2008 : DECISION
Attorney Docket No.: 069576-0809 :
For: METHOD FOR PREPARING... PHOSPHOR :

This is in response to applicants' submission "RESPONSE TO NOTICE OF DEFECTIVE RESPONSE" filed on 10 October 2011, which is being treated as a petition under 37 CFR 1.182. The petition fee of $400.00 has been charged to Deposit Account No. 50-0417.

BACKGROUND

On 14 February 2011, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed oath or declaration was filed at that time.

On 28 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and(b), identifying the application by International application number and international filing date" was required. The notification indicated that a new oath or declaration must be submitted within two (2) months from the date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment.

On 28 April 2011, applicants filed an executed declaration.

On 25 May 2011, 05 July 2011, and 16 August 2011 the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903)" which informed applicants that the 35 USC 371(c)(1), (c)(2) and (c)(4) date is 4/28/2011 and that the date of completion of all 35 U.S.C. 371 is 4/28/2011.

On 08 September 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916), indicating that "the name of the first inventor is different on the declaration than on the interantioanl application. Please clarity"

On 10 October 2011, applicants filed a "Response to Notice of Defective Response," which is being treated as a petition under 37 CFR 1.182 correcting the name of the first inventor Yong Mok, LEE to Hideo SUZUKI.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

In the case where there is no change name of the individual but an incorrect name was given, a petition under **37 CFR 1.182** must be filed with the correction of applicant's name, and the petition fee of $400.00 under 37 CFR 1.17(f).

A review of the international publication of international application PCTKR2009/004512 reveals that the first name joint inventor was listed as LEE, Young-Mok.

In this instance, applicants have provided the name change or correction of the name of the first joint inventor as, Hideo SUZUKI, in the executed declaration rather than Young Mok, LEE as in listed in the international publication. Applicants, however, have not specifically explained the reason for the name change or correction from Young Mok, Lee to Hideo SUZUKI.

The petition fee of $400.00 has been charged to Deposit Account No. 50-0417 as specified on the response filed on 10 October 2011.

Alternatively, applicants may provide a showing that the name correction was effected in accordance with PCT Rule 92Bis prior to the filing of the present national stage application.

For the reasons above, the application may not enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED
FEB 24 2012
PCT LEGAL ADMINISTRATION

In re Application of :
SUZUKI et al :
Application No.: 13/058,961 :
PCT No.: PCT/KR2009/004512 :
Int. Filing Date: 12 August 2009 :
Priority Date: 12 August 2008 : DECISION
Attorney Docket No.: 069576-0809 :
For: METHOD FOR PREPARING... PHOSPHOR :

This decision is in response to applicants' "Reply to Decision on Petition Under 37 CFR 1.182" filed on 09 January 2012.

BACKGROUND

In a decision from this Office on 07 December 2011, the decision indicated applicants had provided either a name change or correction of the name of the first joint inventor as Hideo SUZUKI as this name did not appear on the international application, and applicants needed to indicate whether it was a name change or correction. The name that appeared was Young Mok LEE.

On 09 January 2012, a applicants filed a renewed petition stating that the first inventor's correct name is Hideo SUZUKI; however, the first inventor is also known by his Korean name Young-Mok Lee. Petitioner indicated that since Young-Mok LEE is located both on the international application and declaration neither a petition nor a fee was required for the declaration to comply with 37 CFR 1.497.

DISCUSSION

As stated in the previous decision, in the case where there is no change name of the individual but an incorrect name was given, a petition under **37 CFR 1.182** must be filed with the correction of applicant's name, and the petition fee of $400.00 under 37 CFR 1.17(f). Note MPEP 605.04(b).

Although, the name Young-Mok Lee appeared both in the international application and the declaration, the name Hideo SUZUKI did not. Petitioner has stated that the correct name of the first inventor is Hideo SUZUKI, and as indicated, this name did not appear in the international publication of the international application but was put on the declaration as the correct name of Young-Mok Lee upon entering the National Phase in the USPTO. Furthermore, he has has signed the declaration under Hideo SUZUKI.

As a result, the "Response" was properly treated as a petition under 37 CFR 1.182 to correct the name to Hideo SUZUKI on the declaration and this required a petition fee of $400.00. The petition fee $400.00 will not be refunded.

Accordingly, the correct name, Hideo SUZUKI, now appears on the declaration as filed on 28 April 2011 to the USPTO, and this will be reflected in the U.S. national stage processing.

For the reasons above, the application may enter into national stage processing at this time.

DECISION

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED** that the correct name for the first co-inventor is Hideo SUZUKI.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

Doc Code: PPH.PET.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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.:	13/058,973	Filing Date:	February 14, 2011
First Named Inventor:	Alexandre POPELARD		
Attorney Docket No.:	148576		
Title of the Invention:	CONTACT DETECTION DEVICE FOR VEHICULAR USE AND SECURITY DEVICE FOR VEHICULAR 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/JP2009/067597

The international date of the corresponding PCT application(s) is/are: October 9, 2009

I. **List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application on June 21, 2011.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-JP (05-10)
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.:	13/058,973
First Named Inventor:	Alexandre POPELARD

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 14, 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 14, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	The claims are the same
4	4	The claims are the same
5	5	The claims are the same
7	7	Sufficiently correspond notwithstanding PCT multiple dependencies
8	7	Sufficiently correspond notwithstanding PCT multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date August 3, 2011
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) Edward J. Wise	Registration Number 34,523

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

CERTIFICATION OF ENGLISH LANGUAGE TRANSLATION OF THE CLAIMS

I hereby declare and state that I am knowledgeable of each of the Japanese and English language.

I hereby certify that the English language translation of the claims contained herein is a complete and accurate translation of the claims of the PCT/JP2009/067597 application which were indicated as having novelty, inventive step, and industrial applicability, also contained herein.

July 26. 2011

Date

T. Nagashima

Takayuki NAGASHIMA, Patent Attorney

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.
13/058,973	02/14/2011	Alexandre Popelard	148576	5460

25944 7590 08/17/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
ART UNIT	PAPER NUMBER
2612	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of
ALexandre POPELARD
Application No.: 13/058,973
Filed: 14 February 2011
Attorney Docket No.: 148576
For: CONTACT DETECTION DEVICE FOR VEHICULAR USE AND SECURITY DEVICE FOR VEHICULAR USE

: 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 03 August 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-2) and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (3).

Regarding the requirement of condition (3), applicant has failed to submit a translation of the claims from the PCT applications that have novelty, inventive step, and industrial applicability. The certificate of translation indicated that a translation was "contained herein" but no translation was attached.

Regarding the requirement of condition (4), it cannot be determined if requirement (4) has been met since requirement (3) has not been met.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

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.
13/058,973	02/14/2011	Alexandre Popelard	148576	5460

25944 7590 08/26/2011

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
ART UNIT	PAPER NUMBER
2612	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of
ALexandre POPELARD
Application No.: 13/058,973
Filed: 14 February 2011
Attorney Docket No.: 148576
For: CONTACT DETECTION DEVICE FOR VEHICULAR USE AND SECURITY DEVICE FOR VEHICULAR USE

: 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 03 August 2011, to make the above-identified application special.

The decision mailed 17 August 2011 is whereby **VACTATED**.

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.

Applicant provided a translation of the claims from the PCT on 14 February 2011. The certificate of translation provided with the petition is being considered to mean that the translation provided on 14 February 2011 is accurate.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2600

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-RU (10-10)
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 FEDERAL SERVICE ON INTELLECTUAL PROPERTY, PATENTS & TRADEMARKS OF RUSSIA (ROSPATENT) AND THE USPTO

Application No:	13058980	Filing date:	February 14, 2011
First Named Inventor:	Igory Kolokolynikov		
Title of the Invention:	DEVICE FOR CONVERTING OSCILLATORY MOTION INTO UNIDIRECTIONAL ROTATIONAL MOTION		

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/RU09/00461

The international filng date of the corresponding PCT application(s) is/are:
September 9, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-RU (10-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN ROSPATENT AND THE USPTO

(continued)

Application No.:	13058980
First Named Inventor:	Igory Kolokolynikov

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 14, 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 14, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Direct translation
2	2	Direct translation
3	3	Direct translation
4	4	Direct translation

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Georgiy Khayet/	Date May 13, 2011
Name (Print/Typed) Georgiy L. Khayet	Registration Number 59595

S/N 13/058,980 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Igory Kolokolynikov	Examiner: Not Assigned Yet
Serial No.:	13/058,980	Group Art Unit: 3656
Filed:	02-14-2011	Docket No.: 1035.001US1
		Confirmation No.: 5520
Title:	DEVICE FOR CONVERTING OSCILLATORY MOTION INTO UNIDIRECTIONAL ROTATIONAL MOTION	

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE FEDERAL SERVICE ON INTELLECTUAL PROPERTY, PATENTS & TRADEMARKS OF RUSSIA (ROSPATENT) AND THE USPTO

REMARKS

Applicants respectfully submit that the English translation (already in the above-identified U.S. application) of the claims 1-4 which were indicated as having novelty, inventive step and industrial applicability in the PCT application PCT/RU09/00461 is accurate.

CONCLUSION

Applicants respectfully submit that the application is in condition to be fast tracked for the examination under the Patent Prosecution Highway (PCT-PPH) pilot program between Rospatent and the USPTO.

Respectfully submitted,

Georgiy L. Khayet
2225 East Bayshore Road
Suite 200
Palo Alto, CA 94303
650-646-4020

Date May 13, 2011

By /Georgiy Khayet/
Georgiy L. Khayet
Reg. No. 59,595

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.
13/058,980	02/14/2011	Igory Kolokolynikov	1035.001US1	5520

85162 7590 06/24/2011

Patent Jurist
2225 East Bayshore Road
Suite 200
Palo Alto, CA 94303

EXAMINER	
ART UNIT	PAPER NUMBER
3656	

NOTIFICATION DATE	DELIVERY MODE
06/24/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gkhayet@patentjurist.com
nbalabanov@patentjurist.com

UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 23 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent Jurist
2225 East Bayshore Road
Suite 200
Palo Alto CA 94303

In re application of
Igory Kolokolynikov
Application No. 13/058,980
Filed: February 14, 2011
For: DEVICE FOR CONVERTING OSCILLATORY MOTION INTO UNIDIRECTIONAL ROTATIONAL MOTION

: **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 13, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition fail to include:
(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;
There are two different sets of claims filed in this US application on February 14, 2011. One set has claims 1- 4 and the other set has claims 1- 6. It is unclear which set of claim is the same set of the allowable/patentable claims from the PCT.

A statement that the English translation is accurate is missing.

(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); See number 2 above.
Note, the two sets of claims filed on 2/14/2011 also are different in scope of invention, for example:
Claim 1, lines 5 -7 recited: – coupling elements carried out as a free-wheel clutch or ratchet clutch rigidly mounted on the output axle with the possibility of mutually reverse rotational action -- , while the other set of claims recited differently in claim 1 lines 5 and line 6: -- coupling elements rigidly mounted on the output axle with the possibility of mutually reverse rotational action --.
Claim 4 also recited differently: -- the axles are used as the input, output and intermediate axles --, while the other set of claims recited claim 4 as: -- rotation transmitting coupling element is a ratchet clutch --.
Applicant is requested to clearly identify which set of claims are the allowable/patentable claims in the PCT application and cancel the other set of claims.

(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;

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 6/22/11

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/058,983	Filing date:	February 14, 2011
First Named Inventor:	DUNCAN, Scott C. et al.		
Title of the Invention:	SYSTEMS AND METHODS FOR CONDITIONING AND CONTROLLING POWER USAGE		

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/US2009-004641

The international filing date of the corresponding PCT application(s) is/are: August 13, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	DUNCAN, et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
2	2	
9	9	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Tyler S. Nield	Date February 14, 2011
Name (Print/Typed) Tyler S. Nield	Registration Number 63,287

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13/058,983	Filing date:	February 14, 2011
First Named Inventor:	DUNCAN, Scott C. et al.		
Title of the Invention:	SYSTEMS AND METHODS FOR CONDITIONING AND CONTROLLING POWER USAGE		

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/US2009-004641

The international filing date of the corresponding PCT application(s) is/are: August 13, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	DUNCAN, et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on February 28, 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 28, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	2	Claim 1 is amended to include claim 2 elements
8	9	Claim 8 is amended to include claim 9 elements

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date July 28, 2011
Name (Print/Typed) Allen C. Turner	Registration Number 33,041

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.
13/058,983	05/03/2011	Scott C. Duncan	3417-9661.1US	5543

24247 7590 09/23/2011

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER	
ART UNIT	PAPER NUMBER
2121	

NOTIFICATION DATE	DELIVERY MODE
09/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.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

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of: DUNCAN et al.
Application No. 13/058,983
Atty Docket #: 3417-9661.1US
Filed: May 3, 2011
For: SYSTEMS AND METHODS FOR CONDITIONING AND CONTROLLING POWER USAGE

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 14, 2011 and July 28, 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 (l)(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

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM

BETWEEN THE JAPAN PATENT OFFCIE (JPO) AND THE USPTO

Application No.:	13/059,010	Filing Date:	February 14, 2011
Confirmation No.:	5713	Attorney Docket No.:	Q122907
First Named Inventor:	Koichi HIRAMA		
Title of the Invention:	FREQUENCY VARIABLE COMPOSITE RESONANCE CIRCUIT		

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/JP2010/51477

The international date of the corresponding PCT application(s) is/are: February 3, 2010

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

d. (1) An information disclosure statement listing the documents cited in 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 14, 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 14, 2011

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM
BETWEEN THE JAPAN PATENT OFFCIE (JPO) AND THE USPTO

(continued)

Application No.:	13/059,010
First Named Inventor:	Koichi HIRAMA

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 is substantially identical to JP allowed claim 1
2	2	US claim 2 is substantially identical to JP allowed claim 2
3	3	US claim 3 is substantially identical to JP allowed claim 3
4	4	US claim 4 is substantially identical to JP allowed claim 4
5	5	US claim 5 is substantially identical to JP allowed claim 5
6	6	US claim 6 is substantially identical to JP allowed claim 6
7	7	US claim 7 is substantially identical to JP allowed claim 7

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

IV. Payment of Fees:

☑ **The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.**

☐ **Credit Card.**

SEND ALL CORRESPONDENCE TO:
The address associated with Customer Number:

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Signature	/John M. Bird/	Date	May 3, 2011
Name (Print/Typed)	John M. Bird	Registration Number	46,027

DECLARATION

I, Shigetomo UMITSU of FUJIMURA PATENT BUREAU, P.C., do hereby solemnly and sincerely declare:

1. That I am well acquainted with the Japanese and English Languages, and

2. That the attached document:

   Claims 1-7 of International application No. PCT/JP2010/051477 which is entitled
   "FREQUENCY VARIABLE COMPOSITE RESONANCE CIRCUIT"

   is a true translation into the English language.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and correct.

Tokyo, April 28, 2011

Shigetomo Umitsu

Shigetomo UMITSU
FUJIMURA PATENT BUREAU, P.C.

SU/ns

Claims

1. A composite resonance circuit comprising:

an input terminal;

a resonance unit having first and second input ports; and

first and second phase shift circuits that perform different phase shifts on an input signal supplied to said input terminal and supply the phase-shifted signals respectively to said first and second input ports of said resonance unit,

wherein first and second relay circuits are respectively connected between said first phase shift circuit and said first input port and between said second phase shift circuit and said second input port to relay shift outputs of said first and second phase shift circuits to said resonance unit.

2. A composite resonance circuit according to claim 1, wherein respective output impedances and gains of said first and second relay circuits are variable independently of each other.

3. A composite resonance circuit according to claim 2, wherein said output impedances and gains are variable independently of each other according to control signals.

4. A composite resonance circuit according to claim 3, wherein each of said first and second relay circuits is constituted by a variable attenuation amplifying circuit whose gain is variable according to said control signal.

5. A composite resonance circuit according to claim 3,

wherein each of said first and second relay circuits is constituted by a variable impedance circuit whose output impedance is variable according to said control signal.

6. A composite resonance circuit according to claim 3, wherein each of said first and second relay circuits comprises:

a variable attenuation amplifying circuit whose gain is variable according to said control signal; and

a variable impedance circuit serially connected to said variable attenuation amplifying circuit via a buffer amplifier and whose output impedance is variable according to said control signal.

7. A composite resonance circuit according to claim 3, wherein said first and second phase shift circuits perform different phase shifts according to said control signals.

請求の範囲

[請求項1] 入力端子と、

第１及び第２入力ポートを有する共振ユニットと、

前記入力端子に供給された入力信号に対して互いに異なる位相シフトを施し、当該位相シフト後の信号の各々を前記共振ユニットの前記第１及び第２入力ポートに供給する第１及び第２位相シフト回路と、を含む複合共振回路であって、

前記第１位相シフト回路と前記第１入力ポートとの間及び前記第２位相シフト回路と前記第２入力ポートとの間に、前記第１及び第２位相シフト回路からのシフト出力を前記共振ユニットに中継する第１及び第２中継回路がそれぞれ接続されていることを特徴とする複合共振回路。

[請求項2] 前記第１及び第２中継回路の各々の自身の出力インピーダンス及びゲインは互いに独立して可変であることを特徴とする請求項１に記載の複合共振回路。

[請求項3] 前記出力インピーダンス及びゲインは制御信号に応じて互いに独立して可変であることを特徴とする請求項２に記載の複合共振回路。

[請求項4] 前記第１及び第２中継回路の各々は、前記制御信号に応じてゲインが可変である可変減衰増幅回路からなることを特徴とする請求項３に記載の複合共振回路。

[請求項5] 前記第１及び第２中継回路の各々は、前記制御信号に応じて出力インピーダンスが可変である可変インピーダンス回路からなることを特徴とする請求項３に記載の複合共振回路。

[請求項6] 前記第１及び第２中継回路の各々は、

前記制御信号に応じてゲインが可変である可変減衰増幅回路と、

バッファ増幅器を介して前記可変減衰増幅回路に直列に接続され且つ前記制御信号に応じて出力インピーダンスが可変である可変インピーダンス回路と、

からなることを特徴とする請求項３に記載の複合共振回路。

[請求項7]　前記第１及び第２位相シフト回路は、前記制御信号に応じて前記互いに異なる位相シフトを施すことを特徴とする請求項３に記載の複合共振回路。

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/059,010	02/14/2011	Koichi Hirama	Q122907	5713

23373 7590 05/25/2011

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
ART UNIT	PAPER NUMBER
2816	

NOTIFICATION DATE	DELIVERY MODE
05/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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Commissioner for Patents
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www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	
KOICHI HIRAMA	**: DECISION ON REQUEST TO**
Application No.: 13/059,010	**: PARTICIPATE IN THE PATENT**
Filed: 14 February 2011	**: PROSECUTION HIGHWAY**
Attorney Docket No.: Q122907	**: PROGRAM AND PETITION**
For: FREQUENCY VARIABLE	**: TO MAKE SPECIAL UNDER**
COMPOSITE RESONANCE CIRCUIT	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 03 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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Jae Y. Park
Kile Park Goekjian Reed & McManus PLLC
1200 New Hampshire Ave. NW, Suite 570
Washington DC 20036

MAILED
JUN 02 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
Kim et al	:	DECISION ON
Application No.: 13/059,021	:	
PCT No.: PCT/KR09/03692	:	
Int. Filing Date: 12 May 2003	:	PETITION UNDER
Priority Date: 12 May 2002	:	
Attorney Docket No.: GUA-0170-SW	:	
For: TRANSMITTER AND RECEIVER...	:	
INCLUDING THE SAME	:	37 CFR 1.181

This decision is in response to applicants' "RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371" filed on 14 march 2011 with the correct name of the fourth joint inventor as Jung-Hwan CHOI. This is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 14 February 2011, applicant filed in the United States Patent and Trademark Office (PTO) via EFS-WEB a National Stage application accompanied by, *inter alia*, the basic national fee, and an executed declaration.

On 28 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date... Inventor CHO's last name is printed as "CHOI" on the declaration. Please provide for an explanation for the name differences." The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

On 14 March 2011, applicants filed the respond to the Notification, which is being treated as petition under 37 CFR 1.181 as the name of fourth joint inventor is listed as Jung-Hwan CHOI (not as listed on the International application as Jung-Hwan CHO).

DISCUSSION

It is unclear from the submission whether the corrected name is due to a name change or a typographical error since applicant has provided no explanation. Therefore, the declaration of the inventor is not acceptable at this time, in that the name of the fourth named joint inventor, Jung-Hwan CHOI, does not correspond to that set forth in the international application, Jung-Hwan CHO.

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicant must provide items (1) and (2) for consideration. Alternatively, applicants may provide a showing that the name change was effected in accordance with PCT Rule 92Bis prior to the filing of the present national stage application.

Also, in the case where there is no change name of the individual but an incorrect name was given, a petition under **37 CFR 1.182** should be filed requesting correction of applicant's name

If, however, the name change is due to a typographical error then applicant needs to state and explain it by filing a petition under 37 CFR 1.181. If filed under 37 CFR 1.181 the reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

For the reasons above, the application may not enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.181 is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

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AUG 31 2011

PCT LEGAL ADMINISTRATION

Jae Y. Park
Kile Park Goekjian Reed & McManus PLLC
1200 New Hampshire Ave. NW, Suite 570
Washington DC 20036

In re Application of :
Kim et al :
Application No.: 13/059,021 :
PCT No.: PCT/KR09/03692 :
Int. Filing Date: 12 May 2003 :
Priority Date: 12 May 2002 :
Attorney Docket No.: GUA-0170-SW :
For: TRANSMITTER AND RECEIVER... :
INCLUDING THE SAME :

DECISION ON

PETITION UNDER

37 CFR 1.181

This is in response to applicants' submission "Petition under 37 CFR 1.181" filed on 30 June 2011. This submission states that the correct spelling name of the fourth named co-inventor is Jung-Hwan CHOI.

BACKGROUND

In a decision from this Office on 02 June 2011, the decision indicated that the application could not enter into national stage at that time because at that time since it was unclear if the current name was a result of a transliteration or spelling error because family name on the declaration was different from what was published in the PCT application.

On 30 June 2011, this renewed petition was filed and states that the correct name of the fourth co-inventor is Jung-Hwan **CHOI**.

DISCUSSION

The correct name of the fourth co-inventor is "Jung-Hwan **CHOI**" as explained in the petition that the misspelling was due to a typographical error and the correct spelling of name will be reflected in the US national stage processing. This is the name that has been used in the executed Declaration signed by Jung-Hwan **CHOI**.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-6376
Facsimile: (571) 273-0459

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34725
CHALKER FLORES LLP
2711 LBJ FRWY
Suite 1036
Dallas, TX 75234

MAILED

SEP 15 2011

PCT LEGAL ADMINISTRATION

In re Application of
D'MELLO *et al*
U.S. Application No.: 13/059,035
PCT No.: PCT/US2009/053932
Int. Filing Date: 14 August 2009
Priority Date: 15 August 2008
Docket No.: UTDA:1156
For: 1, 4-BENZOXAZINE COMPOUNDS AND DERIVATIVES THEREOF AS THERAPEUTIC DRUGS FOR THE TREATMENT OF NEURODEGENERATIVE CONDITIONS

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the papers filed 08 July 2011 which are treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 08 March 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) and a surcharge fee was required. Applicants were given two months to respond with extensions available under 37 CFR 1.136(a).

On 08 July 2011, applicants filed the subject response which was accompanied by, *inter alia*, a declaration executed by four inventors, a two-month extension and $245.00 extension fee, a consent of the assignee statement, a statement by the inventors being added, and authorization to charge any required fee to Deposit Account No. 50-4863.

DISCUSSION

Applicants request to add Haribabu ANKATI and Shashidhar Kuar AKUBATHINI as inventors 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 statements by the inventors being added as required. The $130.00 processing fee has been charged to Deposit Account No. 50-4863 as authorized. Items (1) and (2) of 37 CFR 1.497(d) are complete.

Regarding item (3) of 37 CFR 1.497(d), a consent of assignee signed by Mr. Paul J. Ward of Southern Methodist University was submitted. Mr. Ward is the Vice President for Legal Affairs, a position that is presumed to have the authority to act on behalf of an organization. *See* MPEP § 324(V)(A). However, the written consent of the assignee must also comply with 37 CFR 3.73.

In this case, applicants have not made a submission establishing ownership. Applicants did not provide 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, or provide a statement specifying where the chain of title is recorded in the assignment records of the Office. *See* 37 CFR 3.73(b)(1).

Therefore, item (3) of 37 CFR 1.497(d) is not yet satisfied.

CONCLUSION

For the reasons noted above, applicants' request under 37 CFR 1.497(d) to add Haribabu ANKATI and Shashidhar Kuar AKUBATHINI as inventors is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely respond will result in the 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.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Dallas, TX 75234

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DEC 23 2011

PCT LEGAL ADMINISTRATION

In re Application of :
D'MELLO *et al* :
U.S. Application No.: 13/059,035 :
PCT No.: PCT/US2009/053932 :
Int. Filing Date: 14 August 2009 :
Priority Date: 15 August 2008 :
Docket No.: UTDA:1156 :
For: 1, 4-BENZOXAZINE COMPOUNDS AND DERIVATIVES THEREOF AS THERAPEUTIC DRUGS FOR THE TREATMENT OF NEURODEGENERATIVE CONDITIONS :

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the renewed petition under 37 CFR 1.497(d) filed 14 November 2011 with additional correspondence filed 22 December 2011.

BACKGROUND

On 15 September 2011, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 14 November 2011, applicants filed the subject response which was accompanied by, *inter alia*, a copy of the recorded assignment in the subject application.

On 22 December 2011, applicants submitted a written consent of the second assignee.

DISCUSSION

Applicants renew their request to add Haribabu ANKATI and Shashidhar Kuar AKUBATHINI as inventors in the above-captioned national stage application.

Applicants failed to satisfy item (3) of 37 CFR 1.497(d) in the initial petition.

The written consent of one of the assignees (Southern Methodist University) was previously provided; however, applicants did not provide 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, or provide a statement specifying where the chain of title is recorded in the assignment records of the Office. Moreover, the written consent of the second assignee (Board of Regents, The University of Texas System) was also not provided.

In the renewed response, applicants provided a copy of the executed assignment along with the reel and frame information. This satisfies the requirements of 37 CFR 3.73(b)(1). Applicants also provided a written consent signed by Barry D. Burgdorf as Vice Chancellor and General Counsel of Board of Regents, The University of Texas System. The position of Vice Chancellor is an officer of the university and is presumed to have the authority to sign on its behalf. *See* MPEP § 324.

Item (3) of 37 CFR 1.497(d) is now satisfied.

CONCLUSION

Applicants' renewed request to add Haribabu ANKATI and Shashidhar Kuar AKUBATHINI as inventors pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 08 July 2011 is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/059,060	Filing date:	February 14, 2011
First Named Inventor:	Takeshi Takahashi		
Title of the Invention:	PRINTING SYSTEM, OUTPUT DEVICE, DATA MANAGEMENT SYSTEM, CONTROL METHOD, AND PROGRAM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2010/071946

The international date of the corresponding PCT application(s) is/are: December 1, 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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/059,060
First Named Inventor:	Takeshi Takahashi

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 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 March 25, 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 substantially same.
2	2	Both claims are substantially same.
3	3	Both claims are substantially same.
4	4	Both claims are substantially same.
5	5	Both claims are substantially same.
6	6	Both claims are substantially same.
7	7	Both claims are substantially same.
8	8	Both claims are substantially same.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Shant Tchakerian #61,825/	Date November 3, 2011
Name (Print/Typed) Shant H. Tchakerian	Registration Number 61,825

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of
Takeshi Takahashi
Application No.: 13/059,060
Filed: February 14, 2011
Attorney Docket No.: 00862.178279.
For: PRINTING SYSTEM, OUTPUT DEVICE, DATA MANAGEMENT SYSTEM, CONTROL METHOD, AND PROGRAM

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 3, 2011 and renewed on 14 November 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 Terri Johnson at 571-272-2991.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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
Petitions Examiner
Petitions Examiner

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Pata. V. Murali krishna
1628, 1st A cross
Chandra layout
Bengaluru 56004-0
India

MAILED

MAY 24 2011

PCT LEGAL ADMINISTRATION

In re Application of
PATA, V., Murali, Krishna
Application No.: 13/059,063
PCT No.: PCT/IN2009/000691
Int. Filing Date: 30 November 2009
Priority Date: 05 December 2008
Attorney's Docket No.: None
For: PERFECT GAIT SHOE

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 14 February 2011, applicant filed papers to enter the national stage of PCT/IN2009/000691 using the USPTO EFS-Web system. This application was denoted as U.S. application number 13/059,063.

On 11 March 2011, another set of national stage papers for PCT/IN2009/000691[1] was filed using the USPTO EFS-Web system. This filing was denoted as U.S. application number 13/063,535.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/IN2009/000691. The end result for an international application designating the United States of America is a single U.S. national stage application.

Therefore, the submission of more than one set of national stage papers to enter the United States was improper.

[1] Applicant filed a third national stage application of PCT/IN2009/000691 on 11 March 2011. This application number has also been discontinued and the papers moved to the subject application. *See* Decision 27 April 2011 in U.S. No. 13/063,528.

CONCLUSION

Both applications will be **MERGED** into one national stage application for PCT/IN2009/000691 denoted as U.S. application No. **13/059,063**.

Applicant must use U.S. application No. **13/059,063** for all correspondence to the national stage application of PCT/IN2009/000691. Applicant is advised that U.S. application No. 13/063,535 is no longer a valid U.S. National stage application.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/059,064	Filing date:	15 February 2011
First Named Inventor:	Uri RAPOPORT		
Title of the Invention:	A CHAMBER FOR HOUSING ANIMALS DURING ANAESTHETIC PROCEDURES		

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.

PCT/IL2009/000884

The corresponding PCT application number(s) is/are:

The international date of the corresponding PCT application(s) is/are:

10 September 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-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 PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	
First Named Inventor:	Uri

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 15 February 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 15 February 2011

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	
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13	13	
14	14	
15	15	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Michael Kondoudis/	Date 15 February 2011
Name (Print/Typed) Michael Kondoudis	Registration Number 42758

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.
13/059,064	03/07/2011	Uri Rapoport	1700.0063	6566

75485 7590 08/08/2011
The Law Office of Michael E. Kondoudis
888 16th Street, N.W.
Suite 800
Washington, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
3771	

NOTIFICATION DATE	DELIVERY MODE
08/08/2011	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):

rlynn@mekiplaw.com
elee@mekiplaw.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

The Law Office of Michael E. Kondoudis
888 16th Street, N.W.
Suite 800
Washington DC 20006

In re Application of:	:	DECISION ON A REQUEST TO
RAPOPORT, URI	:	PARTICIPATE IN PATENT
Serial No.: 13/059064	:	PCT/PROSECUTION HIGHWAY
Filed: 03/07/2011	:	PROGRAM AND PETITION
Attorney Docket No. : 1700.0063	:	TO MAKE SPECIAL UNDER
Title: CHAMBER FOR HOUSING ANIMALS DURING ANAESTHETIC PROCEDURES	:	CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 15, 2011 to make the above-identified application special.

The request and petition are **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 IPAU, 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.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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Hammer & Associates, P.C.
3125 Springbank Lane
Suite G
Charlotte, NC 28226

MAILED

DEC 05 2011

PCT LEGAL ADMINISTRATION

In re Application of :
YBARRA et al. :
U.S. Application No.: 13/059,086 :
PCT No.: PCT/US2009/053704 : DECISION ON PETITION
Int. Filing Date: 13 August 2009 : UNDER 37 CFR 1.47(a)
Priority Date: 15 August 2008 :
Attorney Docket No.: 2209.2-7 :
For: PERSONAL CARE PRODUCTS :

This decision is issued in response to applicants' "Petition By Joint Inventors Filing on Behalf of Other Joint Inventor Who Refuses to Join in Application of Cannot Be Reached (37 CFR 1.47(a)" filed 19 October 2011 to accept the application without the signature of joint-inventor, Delia Eicken.

BACKGROUND

On 13 August 2009, applicants filed international application PCT/US2009/053704 which claimed a priority date of 15 August 2008. The international application as filed included a "Declaration of Inventorship" under PCT Rule 4.17(iv) executed by the seven joint inventors. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 15 February 2011.

On 15 February 2011, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application, and a "Declaration of Inventorship" under PCT Rule 4.17(iv) executed by the seven joint inventors.

On 01 March 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. The notification set a two-month time limit in which to respond.

On 02 May 2011, applicant submitted a declaration executed by five of the six joint inventors.

On 21 July 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 02 May 2011.

On 19 October 2011, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

37 CFR 1.47(a) applies in cases "where a joint inventor refuses to join in an application for patent or cannot be reached after diligent effort." In the present case, the international application was filed with a "Declaration of Inventorship" under PCT Rule 4.17(iv) that was executed by all of the joint-inventors. This declaration executes the present application and satisfies the declaration requirement for the U.S. national stage (see 37 CFR 1.497(a)). Because an acceptable declaration executed by the joint inventors has already been filed herein, the petition under 37 CFR 1.47(a) seeking acceptance of the application without the signature of the Delia Eicken is moot. In addition, no surcharge for late filing of the declaration is required.

Applicant will be refunded the $200 petition fee and $65 surcharge payment included with the present petition.

CONCLUSION

The petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) mailed 21 July 2011, is hereby VACATED.

Counsel's deposit account will be credited with a refund of the $200 petition fee and $130 surcharge filed herein.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 15 February 2011 under 35 U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of 15 February 2011.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/059,089	04/26/2011	Aleksander Roshi	056230-0672	6783

23630 7590 02/03/2012

McDermott Will & Emery
600 13th Street, NW
Washington, DC 20005-3096

EXAMINER	
GLICK, EDWARD J	

ART UNIT	PAPER NUMBER
2882	

NOTIFICATION DATE	DELIVERY MODE
02/03/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mweipdocket@mwe.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

McDermott Will & Emery
600 13th Street, NW
Washington DC 20005-3096

Applicant: Roshi et al.
Appl. No.: 13/059,089
Filing Date: April 26, 2011
Title: MULTI-CATHODE X-RAY TUBES WITH STAGGERED FOCAL SPOTS, AND SYSTEMS AND METHODS USING SAME
Attorney Docket No.: 056230-0672
Pub. No.: US 2011/0188625 A1
Pub. Date: August 4, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on January 26, 2012, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 02/03/2012 KKING1
01/26/2012 INTEFSW 00010995 501133 13059089
01 FC:1504 300.00 CR

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-AU (01-11)
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 IP AUSTRALIA (IPAU) AND THE USPTO

Application No:	13/059,131	Filing date:	February 15, 2011
First Named Inventor:	Vincenzo Casasanta III		
Title of the Invention:	NANOPARTICLE FILTER		

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/US2010/42099

The international filing date of the corresponding PCT application(s) is/are: July 15, 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.

PTO/SB/20PCT-AU (01-11)
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 PCT-PPH PILOT PROGRAM BETWEEN THE IPAU AND THE USPTO

(continued)

Application No.:	13/059,131
First Named Inventor:	Vincenzo Casasanta III

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 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 February 15, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	The respective claims include the same words.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date August 3, 2011
Name (Print/Typed) Steven S. Rubin	Registration Number 43,063

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Claims which were indicated as having novelty, inventive step and industrial applicability in PCT application PCT/US2010/42099:

1. A method for removing nanoparticles from a fluid, the method comprising:

applying a first light to the fluid to create a first plasmon, wherein the first plasmon is effective to aggregate the nanoparticles to generate a nanoparticle aggregation; and

applying a second light to the fluid to create a second plasmon, wherein the second plasmon is effective to move the nanoparticle aggregation to a location.

2. The method as recited in claim 1, wherein the first and second light have a wavelength of about 300 nm to about 700 nm.

3. The method as recited in claim 1, wherein:

the fluid is a provided into a chamber;

the chamber includes a metal film;

the first plasmon is created in the metal film; and

the first plasmon is coupled to the fluid.

4. The method as recited in claim 1, further comprising prior to applying the first light,

feeding the fluid into a chamber through an inlet port of the chamber; and

closing the inlet port.

5. The method as recited in claim 1, further comprising while applying the first light and while applying the second light:

feeding the fluid into a chamber through an inlet port; and

feeding the fluid out of the chamber through an outlet port.

6. The method as recited in claim 1, further comprising:

repeating applying the first light and applying the second light a number of times at a particular repetition rate.

7. The method as recited in claim 1, wherein the first plasmon is created in the fluid.

8. The method as recited in claim 4, further comprising applying the first light to a first location of the chamber to create the first plasmon.

9. The method as recited in claim 8, further comprising applying the second light to a second location of the chamber to create the second plasmon, and wherein the first and second plasmons are effective to move the nanoparticle aggregation to the location.

10. The method as recited in claim 1, wherein:

the fluid is provided into a chamber,

the chamber includes a plurality of walls and the method further includes

applying respective first and second lights to respective first and second locations on each of the walls.

11. A nanoparticle filter comprising:

a chamber including at least one wall and at least one port, wherein the chamber is configured to hold a fluid including nanoparticles and to allow transmission of light energy sufficient to create one or more plasmons; and

a light source configured to provide light energy to the chamber sufficient to create the one or more plasmons;

wherein the plasmons are effective to generate a net force vector on one or more nanoparticles sufficient to move the one or more nanoparticles toward the at least one port.

12. The nanoparticle filter as recited in claim 11, further comprising:

a processor in communication with the light source;

wherein the processor is effective to:

control the light source to apply a first light to a first location of the chamber to create a first plasmon, wherein the first plasmon is effective to generate a first particle aggregation; and

control the light source to apply a second light to a second location of the chamber to create a second plasmon, wherein the second plasmon is effective to generate a second particle aggregation;

wherein the first and second plasmons are further effective to move the nanoparticles toward the port.

13. The nanoparticle filter as recited in claim 12, wherein:

the wall of the chamber includes a metal film;

the first plasmon is created in the metal film and the first plasmon is coupled to the fluid.

14. The nanoparticle filter as recited in claim 12, wherein the chamber further comprises:

an inlet port; and

an outlet port.

15. The nanoparticle filter as recited in claim 14, wherein the processor is further in communication with the inlet port and the outlet port, and the processor is further effective to control the inlet port to feed the fluid into the chamber and to close the inlet port.

16. The nanoparticle filter as recited in claim 14, wherein the processor is further in communication with the inlet port and the outlet port, and the processor is further effective to, while being effective to control the light source to apply the first light and control the light source to apply the second light:

control the inlet port to feed the fluid into the chamber; and

control the outlet port to feed the fluid out of the chamber.

17. A nanoparticle filter system comprising:

a reservoir effective to hold a fluid;

a chamber including at least one wall and at least one port, wherein the chamber is configured to allow transmission of light energy sufficient to create one or more plasmons and wherein the chamber is in fluid communication with the reservoir;

a light source configured to provide light energy to the chamber sufficient to create the one or more plasmons; and

a processor in communication with the light source;

wherein the processor is effective to:

control the light source to apply a first light to a first location of the chamber to create a first plasmon, wherein the first plasmon is effective to generate a first particle aggregation; and

control the light source to apply a second light to a second location of the chamber to create a second plasmon, wherein the second plasmon is effective to generate a second particle aggregation;

wherein the first and second plasmons are further effective to move the nanoparticles from the fluid toward the port.

18. The nanoparticle filter system as recited in claim 17, further comprising:

a container in fluid communication with the chamber;

a first port between the reservoir and the chamber; and

a second port between the chamber and the container.

19. The nanoparticle filter system as recited in claim 17, wherein:

the chamber is a first chamber;

the light source is a first light source; and

the processor is a first processor;

and the system further comprises:

a second chamber including at least one wall and at least one port, wherein the second chamber is configured to allow transmission of light energy sufficient to create one or more plasmons in the second chamber and wherein the second chamber is in communication with the first chamber;

a second light source configured to provide light energy to the second chamber sufficient to create the one or more plasmons in the second chamber;

a second processor in communication with the second light source;

wherein the second processor is effective to:

control the second light source to apply a third light to a third location of the second chamber to create a third plasmon, wherein the third plasmon is effective to generate a third particle aggregation; and

control the second light source to apply a fourth light to a fourth location of the second chamber to create a fourth plasmon, wherein the fourth plasmon is effective to generate a fourth particle aggregation;

wherein the third and fourth plasmons are further effective to move another nanoparticle toward the port of the second chamber.

20. The nanoparticle filter system as recited in claim 17, further comprising

a container in fluid communication with the chamber; and

wherein the first and second plasmons are effective to move the nanoparticles from the fluid to the container.

PATENT COOPERATION TREATY

CONFIRMATION

From the INTERNATIONAL SEARCHING AUTHORITY

To:

Dilworth & Barrese, LLP
1000 Woodbury Road, Suite 405
Woodbury, New York 11797
US

RECEIVED
SEP 21 2010
DILWORTH & BARRESE, LLP

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)* 10 SEP 2010
Applicant's or agent's file reference 1574-11 PCT	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. **PCT/US2010/042099**	International filing date *(day/month/year)* 15 July 2010
Applicant EMPIRE TECHNOLOGY DEVELOPMENT LLC et al	

1. [X] The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 – 9.011 .

2. [ ] The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. [ ] **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

[ ] the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

[ ] no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90*bis*.1 and 90*bis*.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/AU	Authorized officer
AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. +61 2 6283 7999	**RICHARD BAKER** AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. +61 2 6283 2583

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
1574-11 PCT		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/US2010/042099	15 July 2010	15 July 2010

Applicant

EMPIRE TECHNOLOGY DEVELOPMENT LLC et al

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language,** the international search was carried out on the basis of:

☒ The international application in the language in which it was filed.

☐ A translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II).

3. ☐ **Unity of invention is lacking** (See Box No. III).

4. With regard to the **title,**

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract,**

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings,**

a. the figure of the **drawings** to be published with the abstract is Figure No. **6**

☐ as suggested by the applicant.

☒ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2010/042099

A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl.

B82B 3/00 (2006.01) ***B01D 49/00*** (2006.01) ***B82B 1/00*** (2006.01)
B01D 43/00 (2006.01) ***B01D 51/02*** (2006.01) ***H05H 1/46*** (2006.01)

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)

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 practicable, search terms used)
WPI and EPODOC: nano, B82B1/00/EC/ICAI; plasmon, plasma oscillation; nanostructure, nanoparticle, nanorod, nanotube, nanocrystal; aggregate, collect, agglomerate; light, radiation, lumination; filter, filtrate, remove; fluid, liquid, gas, solution; manipulate, tweezer, confine, manoeuver, maneuver; move, transport; AND LIKE TERMS. INSPEC: nano; plasmon, plasma oscillation; nanostructure, nanoparticle, nanorod, nanotube, nanocrystal; aggregate, collect, agglomerate; light, radiation, lumination; filter, filtrate, remove; fluid, liquid, gas, solution; manipulate, tweezer, confine, manoeuver, maneuver; move, transport; AND LIKE TERMS. Google Scholar: nanoparticle; plasmon; aggregate; light; fluid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2008/0069758 A1 (CAMPBELL) 20 March 2008 Abstract, paragraphs 0008 and 0009	1-20
A	US 2010/0167958 A1 (LIN et al.) 1 July 2010 Abstract, paragraphs 0037 to 0052	1-20

☐ Further documents are listed in the continuation of Box C ☒ See patent family annex

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
8 September 2010	10 SEP 2010
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. +61 2 6283 7999	Authorized officer **RICHARD BAKER** AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No : +61 2 6283 2583

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report		Patent Family Member					
US	20080069758	US	20070264185	US	7564549	US	20080032270
		US	20100145729	WO	2008011075	WO	2008054871
		WO	2008092118				
US	20100167958	NONE					

Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.

END OF ANNEX

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

Dilworth & Barrese, LLP
1000 Woodbury Road, Suite 405
Woodbury, New York 11797
US

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Applicant's or agent's file reference 1574-11 PCT	Date of mailing *(day/month/year)* 10 SEP 2010 **FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/042099	15 July 2010	15 July 2010

International Patent Classification (IPC) or both national classification and IPC
Int. Cl.

B82B 3/00 (2006.01) ***B01D 49/00*** (2006.01) ***B82B 1/00*** (2006.01)
B01D 43/00 (2006.01) ***B01D 51/02*** (2006.01) ***H05H 1/46*** (2006.01)

Applicant
EMPIRE TECHNOLOGY DEVELOPMENT 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 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
AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. +61 2 6283 7999	8 September 2010	**RICHARD BAKER** AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. +61 2 6283 2583

INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/042099

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   [X] The international application in the language in which it was filed

   [ ] A translation of the international application into, , which is the language of a translation furnished for the purposes of international search (under 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:

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)	Claims	**1-20**	**YES**
	Claims	**NONE**	**NO**
Inventive step (IS)	Claims	**1-20**	**YES**
	Claims	**NONE**	**NO**
Industrial applicability (IA)	Claims	**1-20**	**YES**
	Claims	**NONE**	**NO**

2. Citations and explanations:
The following documents identified in the International Search Report have been considered for the purposes of this report:

D1: US 2008/0069758 A1
D2: US 2010/0167958 A1

NOVELTY (N)

Independent claims 1, 11 and 17:

Independent claims 1, 11 and 17 meet the criteria set forth in PCT Article 33(2) for novelty. The prior art published before the priority date does not disclose a method for removing nanoparticles from a fluid that comprises the features of claim 1, a nanoparticle filter that comprises the features of claim 11, or a nanoparticle filter system that comprises the features of claim 17.

In considering the novelty of these claims, document D1 is considered to be the closest prior art to these claims. D1 discloses a system for the purification and separation of carbon nanotubes (see D1: Abstract). D1 discloses the application of a first light to a fullerene mixture to create a plasmon in nanotubes to remove impurities from the fullerene sample (see D1: paragraphs 0009 and 0010). D1 however does not disclose the feature of these claims of the application of a light to a fluid to create more than one plasmon, wherein the creation of the more than one plasmon is effective to move the nanoparticles to a location (or port, as the location is defined as in claims 11 and 17).

Appended claims 2 to 10 add further features to those defined in claim 1 and are therefore also novel, appended claims 12 to 16 add further features to those defined in claim 11 and are therefore also novel, and appended claims 18 to 20 add further features to those defined in claim 17 and are therefore also novel.

[Continued in Supplemental Box]

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

INVENTIVE STEP (IS)

Independent claims 1, 11 and 17:

Independent claims 1, 11 and 17 meet the criteria set out in PCT Article 33(3) with regard to the requirement of Inventive Step because the prior art does not obviously suggest to a person skilled in the art a method for removing nanoparticles from a fluid that comprises the features of claim 1, a nanoparticle filter that comprises the features of claim 11, or a nanoparticle filter system that comprises the features of claim 17. In particular, the prior art does not obviously suggest the feature of the application of at least one light to a fluid to create at least one plasmon, wherein this at least one plasmon is effective to move the nanoparticles to a location (or port, as the location is defined as in claims 11 and 17).

In considering the inventive step of claims 1, 11 and 17, the problem that the presently claimed invention is seeking to solve is the removal of undesired particles from a fluid.

While document D1 teaches a method for the purification of a fullerene sample by the use of light to generate plasmons as discussed above under novelty of these claims (see D1: Abstract, paragraphs 0009 and 0010), D1 does not obviously suggest to the person skilled in the art the additional step or means of application of a light to a fluid to create an additional plasmon, wherein the multiple plasmons are effective to move the nanoparticle aggregation to a location (or port, as the location is defined as in claims 11 and 17) as defined in the claims.

Document D2 teaches a method for the trapping and manipulation of nanoparticles in a fluid by using a light beam by the generation of a plasmon in an array of metallic nanoparticles on a surface in contact with said fluid (see D2: paragraphs 0037 to 0052). However D2 does not obviously suggest a nanoparticle filter for the removal of nanoparticles from a fluid. D2 does not obviously suggest the application of a light to the fluid to create a any additional plasmon, wherein the multiple plasmons are effective to move nanoparticles to a location (or port, as the location is defined as in claims 11 and 17) as defined in the claims.

Dependent claims 2 to 10, 12 to 16 and 18 to 20 embody further aspects of the inventive concept and therefore also meet the requirements of Article 33(3) of the PCT.

INDUSTRIAL APPLICABILITY (IA)

The invention defined in claims 1 to 20 is considered to meet the requirements of Industrial Applicability under Article 33(4) of the PCT because it can be made by, or used in, industry.

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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.
13/059,131	02/15/2011	Vincenzo Casasanta III	1574-11 PCT US	7169

28249 7590 10/11/2011

DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY, NY 11797

EXAMINER	
ART UNIT	PAPER NUMBER
1778	

MAIL DATE	DELIVERY MODE
10/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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OCT 11 2011

CT

In re application of Vincenzo Casasanta III Serial No. 13/059,131 Filed: February 15, 2011 For: NANOPARTICLE FILTER	: : : : : :	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 August 3, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO, KIPO or IPAU;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial

applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARSHALL, GERSTEIN & BORUN, LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Michael Abrahamson	:	
Application No. 13/059,205	:	DECISION ON PETITION
Filed: May 4, 2011	:	TO WITHDRAW FROM
Attorney Docket No. 29439/43460	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed October 6, 2011.

The request is **APPROVED**.

The request was signed by Robert M. Gerstein on behalf of himself and all the attorneys/agents associated with Customer Number 04743. Therefore, Robert M. Gerstein and all the attorneys/agents associated with Customer Number 04743 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

This application is being referred to Technology Center Art Unit 2484 for examination in due course.

All future communications from the Office will be directed to the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Michael Abrahamson
175 E. Delaware Place
Suite 8510
Chicago, IL 60611

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/059,205	05/04/2011	Michael Abrahamson	29439/43460

CONFIRMATION NO. 7790

POWER OF ATTORNEY NOTICE

4743
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

Date Mailed: 10/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/06/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/059,228	Filing date:	February 15, 2011
First Named Inventor:	SMITH, Shane		
Title of the Invention:	Firearm Barrel Cleaning Patches		

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/US2009/004677

The international filing date of the corresponding PCT application(s) is/are:
14 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.

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0068
U.S.Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	13/059,228
First Named Inventor:	SMITH, Shane

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 15, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

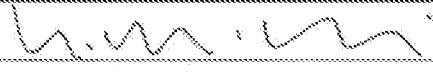
☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 02/15/11 & Preliminary Amendment on 4/25/11

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Direct correspondence with correction of antecedent basis
2-4	2-4, respectively	Direct correspondence
5	5	Direct correspondence with correction of punctuation
6	6	Direct correspondence
7	7	Canceled
8	8	Direct correspondence with change in dependency
9	9	Canceled
10-13	10-13, respectively	Direct correspondence
14-15	14-15	Canceled
16	16	Direct correspondence
17-18	17-18	Canceled
19	19	Direct correspondence
20	20	Direct correspondence with correction of antecedent basis

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date April 26, 2011
Name (Print/Typed) Daniel M. Cislo, Esq.	Registration Number 32,973

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/059,228	02/15/2011	Shane Patrick Smith	11-24591	8111

25189 7590 05/18/2011

Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica, CA 90401-4110

EXAMINER	
ART UNIT	PAPER NUMBER
3641	

MAIL DATE	DELIVERY MODE
05/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MAY 18 2011

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Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica CA 90401-4110

In re application of	:	**DECISION ON REQUEST TO**
Shane Patrick Smith	:	**PARTICIPATE IN PATENT**
Application No. 13/059,228	:	**PROSECUTION HIGHWAY**
Filed: February 15, 2011	:	**PROGRAM AND PETITION**
For: FIREARM BARREL CLEANING PATCHES	:	**TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 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 preliminary amend filed on April 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 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: 05/17/11

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/059,230	05/16/2011	Louise Jones	17132-232US	8147

54205 7590 03/30/2012

CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
BUI, PHUONG T	
ART UNIT	**PAPER NUMBER**
1638	

NOTIFICATION DATE	DELIVERY MODE
03/30/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patents@chadbourne.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

CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

Applicant: Jones et al.
Appl. No.: 13/059,230
Filing Date: May 16, 2011
Title: TRANSGENIC PLANTS
Attorney Docket No.: 17132-232US
Pub. No.: US 2011/0226267 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 March 22, 2012, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

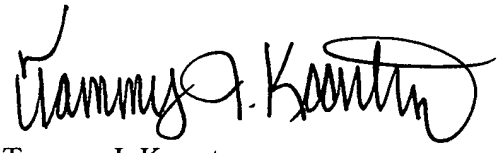
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.



Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	TBD	Filing date:	Herewith
First Named Inventor:	Richard H. Lugg		
Title of the Invention:	MAGNETIC ADVANCED GENERATION JET ELECTRIC 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/US2009/054317

The international filing date of the corresponding PCT application(s) is/are: August 19, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	TBD
First Named Inventor:	Richard H. Lugg

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)

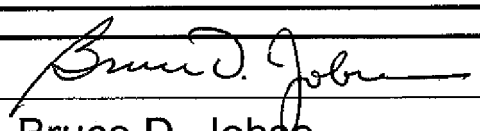
☑ Are attached.

☐ 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	Identical
2	2	Identical
3	3	Identical
4	4	Identical
5	5	Identical
6	6	Identical
7	7	Identical
8	8	Identical
9	9	Identical
10	10	Identical
11	11	Identical
12	12	Identical
13	13	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date February 14, 2011
Name (Print/Typed) Bruce D. Jobse	Registration Number 33,518

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/059,240	02/16/2011	Richard H. Lugg	26616.0.11	8367

26486 7590 05/09/2011

BURNS & LEVINSON, LLP
125 SUMMER STREET
BOSTON, MA 02110

EXAMINER	
ART UNIT	PAPER NUMBER
3741	

NOTIFICATION DATE	DELIVERY MODE
05/09/2011	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):

docketing@burnslev.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

BURNS & LEVINSON, LLP
125 SUMMER STREET
BOSTON MA 02110

In re Application of	:	
LUGG, RICHARD H.	:	DECISION ON REQUEST TO
Application No. 13/059,240	:	PARTICIPATE IN PATENT
Filed: Feb. 16, 2011	:	PROSECUTION HIGHWAY
Attorney Docket No. 26616.0.11	:	PILOT PROGRAM AND PETITION
FOR: MAGNETIC ADVANCED GENERATION JET ELECTRIC TURBINE	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 16, 2011 to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #5 above.

With regard to Item #5, PCT search report and search opinion does not show claims 1-13 satisfied the requirements of Industrial Applicability, Inventive Step and Novelty. A copy of the positive search written opinion is required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

Attorney Docket No. 26616.0.11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard H. Lugg
Application Serial Number: 13/059,240
Filed: February 16, 2011
For: MAGNETIC ADVANCED GENERATION JET ELECTRIC TURBINE

Examiner: TBD
Group Art Unit: TBD
Confirm. No. 8367

Burns & Levinson LLP
125 Summer Street
Boston, MA 02110
(617) 345-3000

To: Attn: Henry C. Yuen
Office of Petitions
Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED REQUEST AND PETITION UNDER 37 C.F.R. 1.102(a)

Sir:

In response to the Decision on Request to Participate in Patent Prosecution Highway Program and Petition to Make Special Under 37 C.F.R. 1.102(a) mailed on May 9, 2011 in the above-referenced patent application, Applicant transmits herewith a copy of the positive Written Opinion issued by the Korean Intellectual Property Office as International Searching Authority in the corresponding PCT application. The Written Opinion shows that claims 1-13 meet the criteria for novelty, inventive step and industrial applicability.

Since all requirements for a grantable request to participate in the PCT-PPH pilot program have now been submitted, Applicant respectfully requests that this Renewed Request and Petition be granted.

The Director of Patents and Trademarks is hereby authorized to charge any fees which may be required for the submission of this renewed petition, and any deficiencies, to or credit any overpayment, to Deposit Account No. 03-2410, Order No. 26616.0.11.

Respectfully submitted,
Richard H. Lugg, Applicant

Dated: May 13, 2011

By: Marlo M. Schepper
Marlo M. Schepper
Reg. No. 57,194
Agent for Applicant

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.
13/059,240	02/16/2011	Richard H. Lugg	26616.0.11	8367

26486 7590 05/19/2011

BURNS & LEVINSON, LLP
125 SUMMER STREET
BOSTON, MA 02110

EXAMINER	
GOYAL, ARUN	

ART UNIT	PAPER NUMBER
3741	

NOTIFICATION DATE	DELIVERY MODE
05/19/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@burnslev.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

BURNS & LEVINSON, LLP
125 SUMMER STREET
BOSTON MA 02110

In re Application of	:	
LUGG, RICHARD H.	:	DECISION ON REQUEST TO
Application No. 13/059,240	:	PARTICIPATE IN PATENT
Filed: Feb. 16, 2011	:	PROSECUTION HIGHWAY
Attorney Docket No. 26616.0.11	:	PILOT PROGRAM AND PETITION
FOR: MAGNETIC ADVANCED GENERATION JET ELECTRIC TURBINE	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 13, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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 Ehud Gartenberg, the SPE of Art Unit 3741 at 571-272-4828 for Class 60/39 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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MAILED

SEP 29 2011

PCT LEGAL ADMINISTRATION

BARDMESSER LAW GROUP
10300 Thornbush Lane
Bethesda MD 20184

In re Application of: Kelin, Timur, G., et al.
U.S. Application No.: 13/059,244
PCT No.: PCT/RU2010/000182
International Filing Date: 19 April 2010
Priority Date: 27 February 2010
Attorney's Docket No.: 2503.0040000
For: MULTI-CHANNEL SEQUENTIAL VITERBI DECODER

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to the "Petition to Expunge an Incorrectly Filed Document From the Record" filed 16 February 2011, treated herein in part as a petition under 37 CFR 1.182.[1] Deposit Account No. 50-3523 will be charged the required $400 petition fee.

The petition is **GRANTED**.

On 16 February 2011, applicant filed materials to initiate the present national stage application including, among other materials, a Form PTO-1390 Transmittal Letter identifying the application as the national stage of international application PCT/RU2010/000**182** and an application data sheet (ADS) identifying the application as the national stage of international application PCT/RU2010/ 000**250**. Later on 16 February 2011, applicants filed a revised ADS identifying the application as the national stage of international application PCT/RU2010/000**182** and the petition considered herein. The petition seeks to expunge from the present application the first ADS (which references PCT/RU2010/000**250**), stating that such ADS was filed in error.

Upon a showing satisfactory to the Director, information, other than that forming part of the original disclosure, may be expunged from an application. It is agreed that it would be appropriate in this instance to close the first ADS unintentionally filed in the present application on 16 February 2011 and also to remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-329

[1] Where a national stage submission references two different international application numbers, a petition under 37 CFR 1.182 is required to clarify the record as to the correct international application number.

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	13/059,291	Filing date:	February 16, 2011
First Named Inventor:	Jonas MADSEN		
Title of the Invention:	SYSTEM FOR TRANSPORTATION OF BLADES ON RAILCARS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2008/068216

The international date of the corresponding PCT application(s) is/are:

December 23, 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.

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/059,291
First Named Inventor:	Jonas MADSEN

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
16	1	US claim as per Preliminary Amendment filed 2/16/2011
17	2	US claim as per Preliminary Amendment filed 2/16/2011
18	3	US claim as per Preliminary Amendment filed 2/16/2011
19	4	US claim as per Preliminary Amendment filed 2/16/2011
20	5	US claim as per Preliminary Amendment filed 2/16/2011
21	6	US claim as per Preliminary Amendment filed 2/16/2011
22	7	US claim as per Preliminary Amendment filed 2/16/2011
23	7	US claim as per Preliminary Amendment filed 2/16/2011
24	8	US claim as per Preliminary Amendment filed 2/16/2011
25	9	US claim as per Preliminary Amendment filed 2/16/2011
26	10	US claim as per Preliminary Amendment filed 2/16/2011
27	11	US claim as per Preliminary Amendment filed 2/16/2011
28	12	US claim as per Preliminary Amendment filed 2/16/2011
29	12	US claim as per Preliminary Amendment filed 2/16/2011
30	13	US claim as per Preliminary Amendment filed 2/16/2011
31	14	US claim as per Preliminary Amendment filed 2/16/2011
32	15	US claim as per Preliminary Amendment filed 2/16/2011

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Tina Gonka/	Date February 17, 2011
Name (Print/Typed) Tina Gonka	Registration Number L0623

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
13/059,291	02/16/2011	Jonas Madsen	2008P15598WOUS	8856

22116 7590 05/06/2011

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER	
ART UNIT	PAPER NUMBER
3726	

MAIL DATE	DELIVERY MODE
05/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re Application of	:	
MADSEN, JONAS	:	DECISION ON REQUEST TO
Application No. 13/059,291	:	PARTICIPATE IN PATENT
Filed: Feb. 16, 2011	:	PROSECUTION HIGHWAY
Attorney Docket No. 2008P15598WOUS	:	PILOT PROGRAM AND PETITION
For: SYSTEM FOR TRANSPORTATION OF BLADES ON RAILCARS	:	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. 17, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to David Bryant, the SPE of Art Unit 3726 and (571)272-4526 for Class 29/428 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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JUL 26 2011

PCT LEGAL ADMINISTRATION

Fulbright & Jaworski, LLP
1301 McKinney, Suite 5100
Houston, TX 77010

In re Application of:
MICHEJDA et al.
Application No.: 13/059,292
PCT No.: PCT/US2009/054207
Int. Filing Date: 18 August 2009
Priority Date: 18 August 2008
Attorney Docket No.: HO-UOMD.P0009US
For: DERIVATIVES OF APF AND METHODS OF USE

DECISION ON
PAPERS UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 06 May 2011, which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 18 August 2009, applicant filed international application PCT/US2009/054207, which claimed a priority date of 18 August 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, 18 February 2011.

On 16 February 2011, 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; and an application data sheet.

On 07 March 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 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 06 May 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 06 May 2011 is executed by Maria Michejda as the "legal representative" of the deceased inventor, Christopher Michejda. 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 06 May 2011 provides the citizenship for only one individual and it is unclear whether this information is for the legal representative or the deceased inventor. Further, the declaration fails to provide the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497. Accordingly, the declaration is not in compliance with 37 CFR 1.42 and 37 CFR 1.497(b)(2).

It is noted that a declaration submitted under 37 CFR 1.42 must provide the name, citizenship, residence and mailing address of the legal representative, as well as the name and citizenship of the deceased inventor.

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

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Fulbright & Jaworski, LLP
1301 McKinney, Suite 5100
Houston, TX 77010

MAILED
OCT 14 2011
PCT LEGAL ADMINISTRATION

In re Application of:
MICHEJDA et al.
Application No.: 13/059,292
PCT No.: PCT/US2009/054207
Int. Filing Date: 18 August 2009
Priority Date: 18 August 2008
Attorney Docket No.: HO-UOMD.P0009US
For: DERIVATIVES OF APF AND METHODS OF USE

DECISION ON PETITION

This decision is issued in response to the declaration filed 06 September 2011, which is being treated as a renewed request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 18 August 2009, applicant filed international application PCT/US2009/054207, which claimed a priority date of 18 August 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, 18 February 2011.

On 16 February 2011, 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; and an application data sheet.

On 07 March 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 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 06 May 2011, applicant filed an executed declaration and power of attorney. In a decision dated 26 July 2011, applicants' request was dismissed because the declaration was not acceptable under 37 CFR 1.497(b)(2).

On 06 September 2011, applicants filed the present renewed request under 37 CFR 1.42.

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 filed on 06 September 2011 is executed by Maria Michejda as the "legal representative" of the deceased inventor, Christopher Michejda. However, a review of the declaration reveals that the declaration executed by Maria Michejda is not in compliance with 37 CFR 1.497(a)(3). 37 CFR 1.497(a)(3) requires that the declaration must "identify each inventor and the country of citizenship of each inventor." In this instance, the declaration executed Maria Michejda does not identify the other joint-inventors and the country of citizenship of each inventor. Therefore, a new declaration executed by Maria Michejda, with all of the joint- inventors listed thereon, must be filed in order to fulfill the declaration requirement under 35 U.S.C. 371.

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
Fax: (571) 273-0459

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DEC 05 2011

PCT LEGAL ADMINISTRATION

Fulbright & Jaworski, LLP
1301 McKinney, Suite 5100
Houston, TX 77010

In re Application of:
MICHEJDA et al.
Application No.: 13/059,292
PCT No.: PCT/US2009/054207
Int. Filing Date: 18 August 2009
Priority Date: 18 August 2008
Attorney Docket No.: HO-UOMD.P0009US
For: DERIVATIVES OF APF AND METHODS OF USE

DECISION ON
PAPERS UNDER 37 CFR 1.42

In a communication mailed by this Office on 14 October 2011, the declaration filed by applicant on behalf of deceased inventor Christopher Michejda was dismissed for failure to include all the information required under 37 CFR 1.497.

On 03 November 2011, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 03 November 2011 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Maria Michejda as "Legal Representatives," states his/her relationship to the deceased (i.e., Legal Representative), and provides the Legal Representatives' 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

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DEC 02 2011
OFFICE OF PETITIONS

In re Application of Katter et al. :
Application No. 13/059,352 :
Int'l Filing Date: May 9, 2011 :
Attorney Docket No. 0070747-000051 :
Pub. No. US 2011/0198069 A1 :
Pub. Date: August 18, 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 September 7, 2011.

The request is **granted**.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Telephone inquiries regarding this communication may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:		Filing date:	February 16, 2011
First Named Inventor:	Chi-Chih Chen		
Title of the Invention:	LATERAL WAVE RADAR SYSTEM FOR FORWARD DETECTION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/060274

The international filing date of the corresponding PCT application(s) is/are: October 9, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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 PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	Chi-Chih Chen

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
1-19	1-19	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jeffrey C. Norris/	Date February 16, 2011
Name (Print/Typed) Jeffrey C. Norris	Registration Number 42,039

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.
13/059,371	02/16/2011	Chi-Chih Chen	OSU1159-246C	9508

8698 7590 05/05/2011

STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin, OH 43017

EXAMINER	
ART UNIT	PAPER NUMBER
3662	

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

MAY 5 2011

Commissioner for Patents
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STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin OH 43017

In re application of
Chi-Chih Chen
Application No. 13/059,371
Filed: February 16, 2011
For: LATERAL WAVE RADAR SYSTEM FOR FORWARD DETECTION

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 16, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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: 05/05/11

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AUG 22 2011

PCT LEGAL ADMINISTRATION

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	
EUTENEUER et al.	
Application No.: 13/059,373	DECISION ON RESPONSE
PCT No.: PCT/EP08/06831	
Int. Filing Date: 20 August 2008	TO NOTIFICATION OF
Priority Date: none	
Attorney Docket No.: 026711-004000US	DEFECTIVE RESPONSE
For: AERODYNAMIC WIND PROPULSION DEVICE HAVING BIELASTIC LINE COUPLING	

This is a decision on applicant's Response to the Notification of Defective Response, filed in the United States Patent and Trademark Office on 17 June 2011.

BACKGROUND

On 16 February 2011, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee and an executed declaration.

On 07 March 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. On 04 May 2011, applicant filed a response to the Notification along with an executed declaration.

On 03 June 2011, a Notification of Defective Response was mailed to applicant indicating that the declaration was not acceptable as the name of the first inventor did not match that which was listed in the international application and that a new declaration was required.

On 17 June 2011, applicant responded to the Notification of Defective Response with an explanation that the first inventor's name changed from Bernd Euteneuer to Bernd Specht due to his marriage.

DISCUSSION

A review of the application file reveals that the given name of the first inventor as listed on the published international application is "Bernd Euteneuer". The declaration, filed on 04 May 2011, was signed by "Bernd Specht". The declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration did not name the inventive entity identified in the published international application.

As set forth in MPEP §1893.01(e), where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in a declaration submitted under 37 CFR 1.497, then a petition under 37 CFR 1.182 is necessary to accept the declaration with the changed name. The petition must include an appropriate petition fee of $400 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. *See* MPEP §605.04(c).

CONCLUSION

The request to accept the declaration is **DISMISSED.** The declaration submitted on 04 May 2011 is unacceptable as filed at this time. What is required is a petition under 37 CFR 1.182 including the petition fee of $400 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.

Applicant is required to correct the above-noted defect within ONE (1) MONTH from the mail date of this decision or the time remaining in the Notification of Missing Requirements.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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PCT LEGAL ADMINISTRATION

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
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In re Application of :
EUTENEUER et al. :
Application No.: 13/059,373 : DECISION ON PETITION
PCT No.: PCT/EP08/06831 :
Int. Filing Date: 20 August 2008 : TO CORRECT INVENTOR'S
Priority Date: none :
Attorney Docket No.: 026711-004000US : NAME UNDER 37 CFR 1.182
For: AERODYNAMIC WIND PROPULSION DEVICE :
HAVING BIELASTIC LINE COUPLING :

This is a decision on applicant's "Petition under 37 CFR 1.182 Requesting Correction of an Inventor's Name" filed in the United States Patent and Trademark Office on 21 September 2011.

BACKGROUND

On 16 February 2011, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee and an executed declaration.

On 07 March 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. On 04 May 2011, applicant filed a response to the Notification along with an executed declaration.

On 03 June 2011, a Notification of Defective Response was mailed to applicant indicating that the declaration was not acceptable as the name of the first inventor did not match that which was listed in the international application and that a new declaration was required.

On 17 June 2011, applicant responded to the Notification of Defective Response with an explanation that the first inventor's name changed from Bernd Euteneuer to Bernd Specht due to his marriage. On 22 August 2011, a decision was mailed indicating that a petition under 37 CFR 1.182 was needed to correct the inventor's name.

DISCUSSION

A review of the application file reveals that the given name of the first inventor as listed on the published international application is "Bernd Euteneuer". The declaration, filed on 04 May 2011, was signed by "Bernd Specht". The declaration was not in compliance with 37 CFR 1.497(a) and (b) as the declaration did not name the inventive entity identified in the published international application.

As set forth in MPEP §1893.01(e), where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in a declaration submitted under 37 CFR 1.497, then a petition under 37 CFR 1.182 is necessary to accept the declaration with the changed name. The petition must include an appropriate petition fee of $400 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. *See* MPEP §605.04(c). Applicant has presented the appropriate petition fee and a statement of the inventor setting forth both names and indicating that his name changed due to his marriage.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.182 to change the respective inventor's name to BERND SPECHT is **GRANTED**. The declaration, submitted on 04 May 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 04 May 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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Gottlieb Rackman & Reisman PC
270 Madison Avenue
8th Floor
New York NY 10016-0601

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MAR 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MIRER et al. :
Application No.: 13/059,382 :
PCT No.: PCT/US2009/051712 : DECISION ON PETITION
Int. Filing Date: 24 July 2009 : UNDER 37 CFR 1.137(b)
Priority Date: 24 July 2008 :
Attorney Docket No.: 5614/006 US :
For: CEILING GRID BEAM CUTTING APPARATUS :

The petition to revive under 37 CFR 1.137(b) filed 16 February 2011 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the 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

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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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:	13/059,422	Filing date:	February 17, 2011
First Named Inventor:	Nobuhiro SAIJO		
Title of the Invention:	INFORMATION PROCESSING APPARATUS, INFORMATION PROCESSING 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/JP10/058773

The international date of the corresponding PCT application(s) is/are: May 24, 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. 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 WIPO Publication in file wrapper

☑ 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 Appendix B

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.:	13/059,422
First Named Inventor:	Nobuhiro SAIJO

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on February 17, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

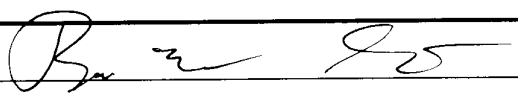
☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on February 17, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	substantially identical
2	2	substantially identical
3	3	substantially identical
4	4	substantially identical
5	5	substantially identical
6	6	substantially identical
7	7	substantially identical
8	8	substantially identical
9	9	substantially identical
10	10	substantially identical
11	11	substantially identical
12	12	substantially identical
13	13	substantially identical
14	14	substantially identical
15	15	substantially identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application. See also the Preliminary Amendment, Appendix C

Signature		Date	04/06/11
Name (Print/Typed)	Ryan W. Smith	Registration Number	62,257

Request for Participation in the Patent Cooperation Treaty – Patent Prosecution Highway (PCT-PPH) Pilot Program between the Japan Patent Office (JPO) and the USPTO
U.S. Patent Application No. 13/059,422
Attorney Docket No. 375809US-8 PCT

APPENDIX A

COPY OF THE LATEST INTERNATIONAL WORK PRODUCT (WO/ISA)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

Agent

Yoshio INAMOTO

Address

711 Building 4F, 11-18, Nishi-Shinjuku 7-chome,

Shinjuku-ku, Tokyo, 160-0023, Japan

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	29. 06. 2010
Applicant's or agent's file reference	FOR FURTHER ACTION
486-S10P1706	See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2010/058773	24.05.2010	30.06.2009

International Patent Classification (IPC) or both national classification and IPC

H04N5/225(2006.01)i, G06T7/20(2006.01)i

Applicant

SONY CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☐ Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
JAPAN PATENT OFFICE (ISA/JP) 3-4-3 Kasumigaseki, Chiyoda-ku Tokyo 100-8915, Japan	16.06.2010	Akira SUZUKI
Facsimile No.		Telephone No. 03-3581-1101 ext. 3581

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/058773

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing

      ☐ contained in the international application as filed

      ☐ filed together with the international application in electronic form

      ☐ furnished subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2010/058773

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	1-15	YES
	Claims		NO
Inventive step (IS)	Claims	1-15	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations:

Regarding claims 1 to 15

Document 1: JP 2006-242909 A (Toyota Central R&D Labs.,Inc.), 14 September 2006, all paragraphs and drawings

Document 2: JP 2003-248829 A (Chuo University), 5 September 2003, all paragraphs and drawings

Document 3: JP 2003-216955 A (Sharp Corporation), 31 July 2003, all paragraphs and drawings

Document 4: JP 2005-250708 A (Nippon Telegraph and Telephone Corporation), 15 September 2005, all paragraphs and drawings

The invention as in claims 1 to 15 are not described in any of the documents cited in the International search report and is not obvious to a person skilled in the art.

Request for Participation in the Patent Cooperation Treaty – Patent Prosecution Highway (PCT-PPH) Pilot Program between the Japan Patent Office (JPO) and the USPTO
U.S. Patent Application No. 13/059,422
Attorney Docket No. 375809US-8 PCT

APPENDIX B

English-Language Translation of Claims which were Indicated as Having Novelty, Inventive Step and Industrial Applicability Including Statement Regarding Accuracy of English-Language Translation

Claims

[1] An information processing apparatus, comprising:

an irradiation means for irradiating the user with light having a first wavelength and light having a second wavelength that is different from the first wavelength;

an acquisition means for acquiring a first image and a second image, the first image being obtained by receiving reflected light of the light having the first wavelength with which the user is irradiated, the second image being obtained by receiving reflected light of the light having the second wavelength with which the user is irradiated;

an object area extraction means for extracting an object area in which an object representing a predetermined skin portion of a body of the user is displayed, from a skin display area in a display image including the skin display area in which a skin of the user is displayed, based on the first and second images; and

a distance change detection means for detecting a change in relative distance from the irradiation means to the object in accordance with a change of luminance values of pixels constituting the object area in the display image or a value calculated based on the luminance values.

[2] The information processing apparatus according to claim 1, further comprising

a part display area detection means for detecting an area constituted of pixels included in a top n percent of large luminance values out of the pixels constituting the object area in the display image, as the part display area in which a part of the object is displayed.

[3] The information processing apparatus according to claim 2,

wherein the distance change detection means detects a change in relative distance to the part of the object, the part being displayed in the part display area, in accordance with a change of luminance values of pixels constituting the part display area of the object area in the display image or a value calculated based on the luminance values.

[4] The information processing apparatus according to claim 1,

wherein the object area extraction means

detects a shape area representing a shape of the object in the skin display area based on distribution of luminance values of pixels constituting the skin display area in the display image, and

extracts the object area corresponding to the shape area from the skin display area.

[5] The information processing apparatus according to claim 1,

wherein the distance change detection means detects a change in relative distance from the irradiation means to the object in accordance with a change in average value of the luminance values of the pixels constituting the object area in the display image.

[6] The information processing apparatus according to claim 1,

wherein the first wavelength $\lambda 1$ and the second wavelength $\lambda 2$ satisfy relationships of the following expressions,

$\lambda 1 < \lambda 2$,

$630 \text{ nm} \leq \lambda 1 \leq 1{,}000 \text{ nm}$, and

$900 \text{ nm} \leq \lambda 2 \leq 1{,}100 \text{ nm}$.

[7] An information processing method for an information processing apparatus that detects a change in distance from a user, the information processing apparatus including an irradiation means, an acquisition means, an object area extraction means, and a distance change detection means, the method comprising the steps of:

irradiating, by the irradiation means, the user with light having a first wavelength and light having a second wavelength that is different from the first

wavelength;

acquiring, by the acquisition means, a first image and a second image, the first image being obtained by receiving reflected light of the light having the first wavelength with which the user is irradiated, the second image being obtained by receiving reflected light of the light having the second wavelength with which the user is irradiated;

extracting, by the object area extraction means, an object area in which an object representing a predetermined skin portion of a body of the user is displayed, from a skin display area in a display image including the skin display area in which a skin of the user is displayed, based on the first and second images; and

detecting, by the distance change detection means, a change in relative distance from the irradiation means to the object in accordance with a change of luminance values of pixels constituting the object area in the display image or a value calculated based on the luminance values.

[8] A program for causing a computer that controls an information processing apparatus including an irradiation means for irradiating the user with light having a first wavelength and light having a second wavelength that is different from the first wavelength,

to function as:

an acquisition means for acquiring a first image and a second image, the first image being obtained by receiving reflected light of the light having the first wavelength with which the user is irradiated, the second image being obtained by receiving reflected light of the light having the second wavelength with which the user is irradiated;

an object area extraction means for extracting an object area in which an object representing a predetermined skin portion of a body of the user is displayed, from a skin display area in a display image including the skin display area in which a skin of the user is displayed, based on the first and second images; and

a distance change detection means for detecting a change in relative distance from the irradiation means to the object in accordance with a change of luminance values of pixels constituting the object area in the display image or a value calculated based on the luminance values.

[9] An electronic apparatus, comprising:

an irradiation means for irradiating the user with light having a first wavelength and light having a second wavelength that is different from the first wavelength;

an acquisition means for acquiring a first image and a second image, the first image being obtained by receiving reflected light of the light having the first wavelength with which the user is irradiated, the second image being obtained by receiving reflected light of the light having the second wavelength with which the user is irradiated;

an object area extraction means for extracting an object area in which an object representing a predetermined skin portion of a body of the user is displayed, from a skin display area in a display image including the skin display area in which a skin of the user is displayed, based on the first and second images;

a distance change detection means for detecting a change in relative distance from the irradiation means to the object in accordance with a change of luminance values of pixels constituting the object area in the display image or a value calculated based on the luminance values; and

an execution means for executing predetermined processing in response to the detection of the change in relative distance from the irradiation means to the object.

[10] An information processing apparatus that extracts a shape of an object representing a predetermined skin

portion of a body of a user from a captured image obtained by capturing an image of the user, the information processing apparatus comprising:

an irradiation means for irradiating the user with light having a first wavelength and light having a second wavelength that is different from the first wavelength;

an acquisition means for acquiring a first image and a second image, the first image being obtained by receiving reflected light of the light having the first wavelength with which the user is irradiated, the second image being obtained by receiving reflected light of the light having the second wavelength with which the user is irradiated;

a difference value calculation means for calculating a difference value representing a difference in reflectance between the light having the first wavelength and the light having the second wavelength, for each of pixels constituting the first or second image;

a skin area extraction means for extracting a skin area representing a skin of the user based on whether the difference value calculated for each of the pixels constituting the first or second image is equal to or larger than a predetermined threshold value; and

a shape area extraction means for extracting a

shape area representing the shape of the object in the skin area,

wherein the shape area extraction means extracts the shape area based on distribution of luminance values of pixels constituting an area corresponding to the skin area in a display image in which the object and a portion of the user that corresponds to an area excluding the shape area in the skin area are displayed.

[11] The information processing apparatus according to claim 10,

wherein the difference value calculation means calculates the difference value obtained by normalizing a difference obtained by subtracting luminance values of the second image from luminance values of the first image.

[12] The information processing apparatus according to claim 10,

wherein the difference value calculation means calculates, as the difference value, a ratio of luminance values of the first image and luminance values of the second image.

[13] An information processing method for an information processing apparatus that extracts a shape of an object representing a predetermined skin portion of a body of a user from a captured image obtained by

capturing an image of the user, the information processing apparatus including an irradiation means, an acquisition means, a difference value calculation means, a skin area extraction means, and a shape area extraction means, the method comprising the steps of:

irradiating, by the irradiation means, the user with light having a first wavelength and light having a second wavelength that is different from the first wavelength;

acquiring, by the acquisition means, a first image and a second image, the first image being obtained by receiving reflected light of the light having the first wavelength with which the user is irradiated, the second image being obtained by receiving reflected light of the light having the second wavelength with which the user is irradiated;

calculating, by the difference value calculation means, a difference value representing a difference in reflectance between the light having the first wavelength and the light having the second wavelength, for each of pixels constituting the first or second image;

extracting, by the skin area extraction means, a skin area representing a skin of the user based on whether the difference value calculated for each of the pixels constituting the first or second image is equal

to or larger than a predetermined threshold value; and

extracting, by the shape area extraction means, a shape area representing the shape of the object in the skin area,

wherein the shape area extraction means extracts the shape area based on distribution of luminance values of pixels constituting an area corresponding to the skin area in a display image in which the object and a portion of the user that corresponds to an area excluding the shape area in the skin area are displayed.

[14] A program causing a computer that controls an information processing apparatus that extracts a shape of an object representing a predetermined skin portion of a body of a user from a captured image obtained by capturing an image of the user, and that includes an irradiation means for irradiating the user with light having a first wavelength and light having a second wavelength that is different from the first wavelength, to function as:

an acquisition means for acquiring a first image and a second image, the first image being obtained by receiving reflected light of the light having the first wavelength with which the user is irradiated, the second image being obtained by receiving reflected light of the light having the second wavelength with

which the user is irradiated;

a difference value calculation means for calculating a difference value representing a difference in reflectance between the light having the first wavelength and the light having the second wavelength, for each of pixels constituting the first or second image;

a skin area extraction means for extracting a skin area representing a skin of the user based on whether the difference value calculated for each of the pixels constituting the first or second image is equal to or larger than a predetermined threshold value; and

a shape area extraction means for extracting a shape area representing the shape of the object in the skin area,

wherein the shape area extraction means extracts the shape area based on distribution of luminance values of pixels constituting an area corresponding to the skin area in a display image in which the object and a portion of the user that corresponds to an area excluding the shape area in the skin area are displayed.

[15] An electronic apparatus that extracts a shape of an object representing a predetermined skin portion of a body of a user from a captured image obtained by capturing an image of the user, the electronic

apparatus comprising:

an irradiation means for irradiating the user with light having a first wavelength and light having a second wavelength that is different from the first wavelength;

an acquisition means for acquiring a first image and a second image, the first image being obtained by receiving reflected light of the light having the first wavelength with which the user is irradiated, the second image being obtained by receiving reflected light of the light having the second wavelength with which the user is irradiated;

a difference value calculation means for calculating a difference value representing a difference in reflectance between the light having the first wavelength and the light having the second wavelength, for each of pixels constituting the first or second image;

a skin area extraction means for extracting a skin area representing a skin of the user based on whether the difference value calculated for each of the pixels constituting the first or second image is equal to or larger than a predetermined threshold value;

a shape area extraction means for extracting a shape area representing the shape of the object in the skin area; and

an execution means for executing processing that corresponds to the extracted shape area,

wherein the shape area extraction means extracts the shape area based on distribution of luminance values of pixels constituting an area corresponding to the skin area in a display image in which the object and a portion of the user that corresponds to an area excluding the shape area in the skin area are displayed.

CERTIFICATE OF TRANSLATION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Yuki Takahashi, a translator, residing at 2nd Floor, URM Akasaka Bldg., 7-5-47, Akasaka Minato-ku, Tokyo, Japan, hereby states:

(1) that I know well both the Japanese and English languages;

(2) that I translated the attached document identified as PCT/JP2010/058773 from Japanese to English;

(3) that the attached English translation is a true and correct translation of PCT/JP2010/058773, to the best of my knowledge and belief; and

(4) that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such false statements may jeopardize the validity of the application or any patent issuing thereon.

Yuki Takahashi
Signature

March 7, 2011
Date

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/059,422	05/18/2011	Nobuhiro Saijo	375809US8PCT	1208

22850 7590 08/12/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
08/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
Nobuhiro SAIJO
Application No.: 13/059,422
Filed: 18 May 2011
Attorney Docket No.: 375809US8PCT
For: INFORMATION PROCESSING APPARATUS, INFORMATION PROCESSING METHOD, PROGRAM, AND ELECTRONIC 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 06 April 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(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 (1-5) and (7-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (6).

Regarding the requirement of condition (6), applicant has failed to provide a Japanese language copy of the Written Opinion (PCT/ISA/237).

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

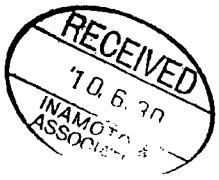
Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

特 許 協 力 条 約



発信人　日本国特許庁（国際調査機関）

代理人
　稲本　義雄

様

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１１ビルディング４階

PCT
国際調査機関の見解書
（法施行規則第40条の2）
〔PCT規則43の2.1〕

発送日 (日.月.年)　29. 06. 2010	
出願人又は代理人 の書類記号　486-S10P1706	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
PCT／JP2010／058773	(日.月.年)　24. 05. 2010	(日.月.年)　30. 06. 2009

国際特許分類（IPC）Int.Cl. H04N5/225(2006.01)i, G06T7/20(2006.01)i

出願人（氏名又は名称）
ソニー株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT／ISA／220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT／ISA／220を参照すること。

３．さらなる詳細は、様式PCT／ISA／220の備考を参照すること。

見解書を作成した日
16. 06. 2010

名称及びあて先	特許庁審査官（権限のある職員）	5P	9185
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	鈴木　明 電話番号　03－3581－1101　内線　3581		

様式PCT／ISA／237（表紙）（2009年7月）

国際調査機関の見解書

国際出願番号 ＰＣＴ／ＪＰ２０１０／０５８７７３

第Ⅰ欄　見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である＿＿＿＿＿＿＿＿語に翻訳された、この国際出願の翻訳文
（ＰＣＴ規則12.3(a)及び23.1(b)）

2．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

a．提出手段　☐ 紙形式

☐ 電子形式

b．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号 ＰＣＴ／ＪＰ２０１０／０５８７７３

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	１－１５	有
	請求項		無
進歩性（ＩＳ）	請求項	１－１５	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－１５	有
	請求項		無

2．　文献及び説明

請求項１－１５について

文献１：JP 2006-242909 A（株式会社豊田中央研究所）2006.09.14，全文，全図
文献２：JP 2003-248829 A（学校法人　中央大学）2003.09.05，全文，全図
文献３：JP 2003-216955 A（シャープ株式会社）2003.07.31，全文，全図
文献４：JP 2005-250708 A（日本電信電話株式会社）2005.09.15，全文，全図

請求項１－１５に係る発明は、国際調査報告に引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

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.
13/059,422	05/18/2011	Nobuhiro Saijo	375809US8PCT	1208

22850 7590 08/26/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2624	

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@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
Nobuhiro SAIJO
Application No.: 13/059,422
Filed: 18 May 2011
Attorney Docket No.: 375809US8PCT
For: INFORMATION PROCESSING APPARATUS, INFORMATION PROCESSING METHOD, PROGRAM, AND ELECTRONIC 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 06 April 2011 and renewed 24 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

MAY 10 2011

PCT LEGAL ADMINISTRATION

AKZO NOBEL INC.
LEGAL & IP
120 WHITE PLAINS ROAD, SUITE 300
TARRYTOWN NY 10591

In re Application of	:	
ZHU, Shawn	:	
Application No.: 13/059,449	:	DECISION
Attorney's Docket No.: ACA10036P1US	:	
PCT No.: PCT/EP2009/060588	:	
Int. Filing Date: 17 August 2009	:	
Priority Date: 19 August 2008	:	
For: THICKENING GLYPHOSATE FORMULATIONS	:	

The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) issued 18 March 2011 according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 17 February 2011 was mailed in error since the petition under 37 CFR 1.182 filed 03 March 2011 had not yet been decided. Accordingly, this NOTICE is hereby VACATED.

This decision is in response to applicants' petition under 37 CFR 1.182 filed 03 March 2011.

BACKGROUND

On 17 February 2011, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter (Form PTO-1390), an Application Data Sheet (ADS), and a declaration of the inventor. The international application number keyed into EFS-Web was PCT/US09/60588. However, the number appearing on the Transmittal Letter, the ADS, and the declaration of the inventor is PCT/EP2009/060588.

On 03 March 2011, applicant filed the instant petition under 37 CFR 1.182 requesting that the discrepancy noted in the application papers filed 17 February 2011 be corrected so that the instant application is the national stage application of international application PCT/EP2009/060588.

On 18 March 2011, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 17 February 2011. This Notice also indicated the international application filed date as 17 August 2009 and the priority date as 14 October 2008.

DISCUSSION

The petition fee has been paid. A review of the application file including counsel's statements in the petition under 37 CFR 1.182 reveals that the present application should in fact be the national stage application of international application **PCT/EP2009/060588**.

As a result of the correction of the international application number, the priority date for the instant application is 19 August 2008. Accordingly, the NOTICE OF ACCEPTANCE OF APPLICATION mailed 18 March 2011 indicating a priority date of 14 October 2008 is hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

The NOTICE OF ACCEPTANCE OF APPLICATION mailed 18 March 2011 is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision including mailing of a new NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 and Filing Receipt indicating the priority date as 19 August 2008.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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Commissioner for Patents
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Winston & Strawn LLP
Patent Department
1700 K Street, N.W.
Washington, D.C. 20006

MAILED

FEB 25 2011

PCT LEGAL ADMINISTRATION

In re Application of:
LEHN et al.
U.S. Application No.: 13/059,457
PCT Application No.: PCT/IB2009/053659 (as corrected)
International Filing Date: 19 August 2009
Priority Date: 22 August 2008
Attorney's Docket No.: 81455-7410
For: EQUILIBRATED DYNAMIC MIXTURES CONTAINING STABILIZED HEMIACETALS FOR THE CONTROLLED RELEASE OF ACTIVE ALCOHOLS

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Letter" filed 22 February 2011 treated herein as a petition under 37 CFR 1.182. The petition seeks to correct the bibliographic data for the national stage application papers filed 17 February 2011, so as to allow such materials to be treated as the U.S. national stage of PCT/IB2009/053659. The $400 petition fee has been charged to Deposit Account 50-1814, as authorized.

BACKGROUND

On 17 February 2011, 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/IB2009/053659; a preliminary amendment; and an information disclosure statement.

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/US2009/053659, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 22 February 2011, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/IB2009/053659. An examination of the originally filed papers finds that the correct international application number was listed on the Transmittal Letter (PTO-1390) filed 17 February 2011. 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 17 February 2011 and to permit such materials to be treated as having been directed to international application PCT/IB2009/053659.

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/IB2009/053659.

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

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: Feb. 17, 2011 Name: Douglas A. Oguss Signature: [signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:	David E. Hartley, et al.	
Appln. No.:	Unassigned	Examiner: Unassigned
Filed:	Herewith August 24, 2009 (I.A. Filing Date)	Group Art Unit No.: Unassigned
For:	THORACIC INTRODUCER	Confirmation No.: Unassigned

Attorney Docket No.: 12730/658 (PA-6478-PCT/US)

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE AND THE USPTO

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attached is a Request For Participation In The PCT-PPH Pilot Program between the EPO and the USPTO. The claims in this U.S. application are substantially identical to the claims for the corresponding PCT application (with the sole exception that multiple dependencies are deleted), and they are in English; therefore, it is not necessary for Applicant to submit a copy of the claims from the corresponding PCT application.

Applicants have calculated no fee due, however the Commissioner is hereby authorized to charge any deficiencies in fees to Deposit Account 23-1925.

Respectfully submitted,

Dated: Feb. 17, 2011

[signature]

Douglas A. Oguss, Reg. No. 48,469
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610
(312) 321-4200

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

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:	Unassigned	Filing date:	Herewith
First Named Inventor:	David E. Hartley		
Title of the Invention:	THORACIC INTRODUCER		

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/US2009/004807

The international filing date of the corresponding PCT application(s) is/are: August 24, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	Unassigned
First Named Inventor:	David E. Hartley

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)

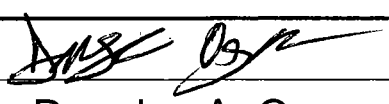
☒ Are attached.

☐ 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	
4	4	
5	5	
6	6	
7	7	
8	8	
9	9	
10	10	
11	11	
12	12	
13	13	
14	14	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date Feb. 17, 2011
Name (Print/Typed) Douglas A. Oguss	Registration Number 48,469

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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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:	13/059,501	Filing date:	February 17, 2011
First Named Inventor:	Eigo SANO		
Title of the Invention:	Imaging Lens, Imaging Device and Portable Terminal		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/064634

The international date of the corresponding PCT application(s) is/are: August 21, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-JP (05-10)
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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	13/059,501
First Named Inventor:	Eigo SANO

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 + 4	U.S. Claim 1 was amended to include claim 4
2	2	
3	3	
4 canceled	-	
5	5	
6	6	
7	7	
8	8	
9	9	
10	10	
11	11	
12	12	
13	13	
14	14	
15		New dependent claim on claim 1
16		New dependent claim on claim 1

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Edward M. Weisz/	Date April 14, 2011
Name (Print/Typed) Edward M. Weisz	Registration Number 37,257

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 Patent and Trademark Office
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Alexandria, VA 22313-1450
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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

MAIL

MAY 11 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
SANO, EIGO, et al.
Application No. 13/059,501
Filed: February 17, 2011
Attorney Docket No. **5341-223PUS**

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 (PPH) pilot 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 PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition 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 being 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

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.
13/059,582	03/09/2011	Shinichiro Senda	OGOSH166USA	1397

270 7590 05/12/2011

HOWSON & HOWSON LLP
501 OFFICE CENTER DRIVE
SUITE 210
FORT WASHINGTON, PA 19034

EXAMINER	
ART UNIT	PAPER NUMBER
1724	

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@howsonandhowson.com

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MAY 12 2011

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Alexandria, VA 22313-1450
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BC

In re application of	:	DECISION ON REQUEST TO
Shinichiro Senda et al.	:	PARTICIPATE IN PATENT
Serial No. 13/059,582	:	PROSECUTION HIGHWAY
Filed: February 17, 2011	:	PROGRAM AND
Attorney Docket No.: OGOSH166USA	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed April 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

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MAY 09 2011

PCT LEGAL ADMINISTRATION

DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

In re Application of :
BERGAMASCO et al. :
Application No.: 13/059,589 : DECISION
Attorney's Docket No.: 11026 :
For: METHOD FOR REMOTE MECHANISM :
ACTUATION AND EXOSKELETON APTIC :
INTERFACE BASED THEREON :

On 28 April 2011, a Filing Receipt indicating a 371(c) date of 01 March 2011 and a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) was issued according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 01 March 2011. However, both of these documents were sent in error. For example, both documents indicate the international application number as PCT/IB09/06283. Yet the declaration of inventors filed 01 March 2011 fails to specify the same inventive entity as PCT/IB09/06283. Thus, the requirements of 35 U.S.C. 371(c)(4) were not met as of 01 March 2011. Accordingly, the Filing Receipt and the NOTICE OF ACCEPTANCE, both mailed 28 April 2011, are hereby VACATED.

This decision is in response to applicants' petition under 37 CFR 1.182 filed 04 March 2011.

BACKGROUND

On 25 May 2007, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter and an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/IB09/06283. The Transmittal Letter also indicates the international application number as PCT/IB2009/006283 as does the ADS.

On 04 March 2011, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

Petition Under 37 CFR 1.182

The petition filed 04 March 2011 requests that the application papers filed 17 February 2011 be accepted as the national phase of PCT/EP2009/006283 rather than the national phase of PCT/IB2009/006283. The petition indicates that the indication of international application number PCT/IB2009/006283 in the papers filed 17 February 2011 was incorrect.

A petition under 37 CFR 1.182 to correct the record with regard to an incorrect international application number must include the following: (1) payment of the $400 petition fee; (2) 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; and (3) a statement indicating the correct international application number.

Items (1) and (3) have been met.

Item (2) has not been met. International application number PCT/EP2009/006283 does not appear in the application papers filed 17 February 2011. Indeed the international application number PCT/EP2009/006283 does not appear in the application file until this number is indicated in the petition filed 04 March 2011. International application number PCT/EP2009/006283 claims priority to a previous application filed 30 August 2008. Thus, the thirty month date for PCT/EP2009/006283 is 28 February 2011.

Application Abandoned

The petition states that the correct international application number is PCT/EP2009/006283. Assuming that this is the correct international application number, the instant application is abandoned for failure to pay the U.S. Basic National Fee for international application number PCT/EP2009/006283 by thirty months from the priority date (28 February 2011). The correct international application number was not identified until 04 March 2011. The U.S. Basic National Fee paid on 17 February 2011 was paid for international application number PCT/IB2009/006283.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

Assuming that the international application number specified in the petition is correct, **the application is abandoned.**

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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JUL 01 2011

PCT LEGAL ADMINISTRATION

DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

In re Application of	:	
BERGAMASCO et al.	:	
Application No.: 13/059,589	:	DECISION
PCT No.: PCT/EP2009/006283	:	
Int. Filing Date: 31 August 2009	:	
Priority Date: 30 August 2008	:	
Attorney's Docket No.: 11026	:	
For: METHOD FOR REMOTE MECHANISM ACTUATION AND EXOSKELETON APTIC INTERFACE BASED THEREON	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) and applicants' renewed petition under 37 CFR 1.182, both filed 13 May 2011.

BACKGROUND

On 25 May 2007, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter and an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/IB09/06283. The Transmittal Letter also indicates the international application number as PCT/IB2009/006283 as does the ADS.

On 04 March 2011, applicants filed a petition under 37 CFR 1.182 requesting that the application papers filed 17 February 2011 be accepted as the national phase of PCT/EP2009/006283 rather than the national phase of PCT/IB2009/006283.

On 09 May 2011, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.182. The decision noted that the correct international application number PCT/EP2009/006283 did not appear in the application until 04 March 2011, which was after the thirty month date for filing a national stage application of PCT/EP2009/006283, and thus the instant application was abandoned.

On 13 May 2011, applicants filed the instant petition under 37 CFR 1.137(b) and the renewed petition under 37 CFR 1.182.

DISCUSSION

Petition Under 37 CFR 1.137(b)

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 a grantable petition under 37 CFR 1.182 (see below) on 13 May 2011.

As to item (2), applicant submitted the petition fee on 13 May 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.

Petition Under 37 CFR 1.182

The petition filed 13 May 2011 requests that the application papers filed 17 February 2011 be accepted as the national phase of PCT/EP2009/006283 rather than the national phase of PCT/IB2009/006283. The petition indicates that the indication of international application number PCT/IB2009/006283 in the papers filed 17 February 2011 was incorrect.

A petition under 37 CFR 1.182 to correct the record with regard to an incorrect international application number must include the following: (1) payment of the $400 petition fee; (2) 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 or, if the correct international application number was not included somewhere in the national stage application papers prior to the expiration of thirty months from the priority date, then, in the instant application, a grantable petition under 37 CFR 1.137; and (3) a statement indicating the correct international application number.

As noted in the decision mailed 09 May 2011, items (1) and (3) have been met.

Item (2) has now been met as well. Although the international application number PCT/EP2009/006283 does not appear in the application file until this number is indicated in the

petition filed 04 March 2011, which is after the thirty month date, applicant has filed a grantable petition to revive under 37 CFR 1.137(b).

Declaration of the Inventors

The declaration of the inventors filed 08 March 2011 is in compliance with 37 CFR 1.497(a)-(d).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.137(b) is **GRANTED**.

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including mailing, in due course, since the requirements under 35 U.S.C. 371 have been met, a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **08 March 2011** and a Filing Receipt. (The Form PCT/DO/EO/903 and the Filing Receipt mailed 28 April 2011 were VACATED in the decision mailed 09 May 2011.)

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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CANTOR COLBURN LLP
20 Church Street, 22nd Floor
Hartford CT 06103

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MAY 24 2011

PCT LEGAL ADMINISTRATION

In re Application of :
CHIONG *et al* :
Application No.: 13/059,691 :
PCT No.: PCT/US2010/062191 :
Int. Filing Date: 28 December 2010 : DECISION
Priority Date: 31 December 2009 :
Atty. Docket #: 08ULT0019 (P070122US3) :
For: CHLORO-SUBSTITUTED :
POLYETHERIMIDES HAVING... :

This is a decision on applicants' "PETITION UNDER 37 CFR 1.182 / REQUEST UNDER 35 U.S.C. 371(f)" filed in the U.S. Patent and Trademark Office (USPTO) on 01 March 2011.

BACKGROUND

On 28 December 2010, applicants filed international application No. PCT/US2010/062191which claimed a priority date of 31 December 2009, and which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee is set to expire 30 months from the priority date, i.e. 30 June 2012.

On 18 February 2011, applicants filed application papers for entry into the national stage in the United States which included, *inter alia*,: a specification and claims.

On 01 March 2011, applicants filed the present petition under 37 CFR 1.182 and request under 35 U.S.C. 371(f). The petition requests that the specification and claims filed 18 February 2011, be replaced by the specification and claims which accompanied the petition. The request under 35 U.S.C. 371(f) is an express request for national stage processing.

DISCUSSION

PETITION UNDER 37 CFR 1.182

35 U.S.C. 371(c) states:

> (c)The applicant shall file in the Patent and Trademark Office —
> (1) the national fee provided in section 41(a) of this title;
> (2) a copy of the international application, unless not required under subsection (a) of this section or already communicated by the International Bureau, and a translation into the English language of the international application, if it was filed in another language;
> (3) amendments, if any, to the claims in the international application, made under article 19 of the treaty, unless such amendments have been communicated to the Patent and Trademark Office by the International Bureau, and a translation into the English language if such amendments were made in another language;
> (4) an oath or declaration of the inventor (or other person authorized under chapter 11 of this title) complying with the requirements of section 115 of this title and with regulations prescribed for oaths or declarations of applicants;
> (5) a translation into the English language of any annexes to the international preliminary examination report, if such annexes were made in another language.

35 U.S.C. 371(c)(2) requires that applicant submit a copy of the international application. A review of the specification and claims filed 18 February 2011, reveals that they do not correspond to the specification and claims filed in the international application. Further, a cursory review of the specification and claims filed with the present petition reveals that they appear to correspond to the specification and claims filed in the international application. As such, granting of the present petition is proper. However, it should be noted that if the specification and claims filed with the present petition do not in fact correspond to the specification and claims filed in the international application, applicants are required to notify the Office in response to this decision.

REQUEST UNDER 35 U.S.C. 371(f)

35 U.S.C. 371(f) states:

> (f) At the express request of the applicant, the national stage of processing may be commenced at any time at which the application is in order for such purpose and the applicable requirements of subsection (c) of this section have been complied with.

Under 35 U.S.C. 371(f), for national stage processing to commence prior to the expiration of 30 months from the priority date, the application must be "in order for such purpose and the applicable requirements of subsection (c) of this section have been complied with." A review of the present application file reveals that the requirements of 35 U.S.C. 371(c) have not been satisfied. Specifically, an oath or declaration of the inventors as required by 35 U.S.C. 371(c)(4) has not been submitted. As such the request for express national stage processing cannot be properly granted at this time.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED**.

Also for the reasons above, the request under 35 U.S.C. 371(f) for express national stage processing is **REFUSED** without prejudice.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, that is, to await the submission of the requirements of 35 U.S.C. 371(c) or the expiration of 30 months from the priority date in order to commence national stage processing. At such time the application will be processed utilizing the specification and claims filed 01 March 2011.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281