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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 63503.1.6	Application Number (if known): TBD	Filing date: Herewith

First Named Inventor: Jack W. Allen

Title: HEAT TRANSFER PROCESSES AND EQUIPMENT FOR INDUSTRIAL APPLICATIONS

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 /Thomas R. Hipkins/	Date 12/19/2011
Name (Print/Typed) Thomas R. Hipkins	Registration Number 57,659

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

☒ *Total of 1 forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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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.
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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/330,403	12/19/2011	Jack W. Allen	58258.1.6	2380

22859 7590 01/11/2012
FREDRIKSON & BYRON, P.A.
INTELLECTUAL PROPERTY GROUP
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS, MN 55402

EXAMINER

ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
01/11/2012	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):

IP@FREDLAW.COM

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

In re Application of

ALLEN, JACK W. et al	:	DECISION ON PETITION
Application No. 13/330,403	:	TO MAKE SPECIAL UNDER
Filed: Dec. 19, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 58258.1.6	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 19, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

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

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

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

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

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks items # 4 and #8.

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

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee $300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. The application will be forwarded to the Technology Center Art Unit 3744 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

22859
Customer Number

Attorney Docket No. 63503.1.6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Jack W. Allen		
Application No.:	13/330,403	Group Art Unit:	3744
Filed:	December 19, 2011	Examiner:	TBD
Title:	HEAT TRANSFER PROCESSES AND EQUIPMENT FOR INDUSTRIAL APPLICATIONS		

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

PETITION FOR RECONSIDERATION AND SUPPLEMENTAL STATEMENT OF SPECIAL STATUS

Applicant filed a Petition to Make Special Under the Green Technology Pilot Program for the above-identified application on December 19, 2011. On January 11, 2012, a Decision on Petition to Make Special Under the Green Technology Pilot Program was issued, dismissing Applicant's Petition. The Decision noted that Applicant had neglected to pay the publication fee and that the Statement accompanying the Petition did not clearly explain how the claimed heat transfer from one process fluid to another would satisfy the materiality standard.

The undersigned discussed the Decision with Examiner Henry C. Yuen on February 1, 2012. Examiner Yuen explained that Applicant could satisfy the materiality standard by submitting a Supplemental Statement that more clearly ties the claim language to the energy efficiency benefits. This is the aim of this Supplemental Statement.

Application Type. As indicated previously, the present application is a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a).

Claims. The present application, as amended by the Preliminary Amendment filed herewith, has two independent claims, twenty total claims, and no multiple dependent claims.

Basis for Special Status. The claims pending in the present application are directed to a single invention that materially contributes to the more efficient utilization and conservation of energy resources. To the extent that this is not clear on the face of the present application, the following paragraphs provide a detailed explanation of how the materiality standard is met.

Independent claims 1 and 17 both require a "heat transfer module" and further recite specific process steps for operating the heat transfer modules. Relevant language from the two claims is as follows:

- Claim 1 – "A method of heating and cooling fluids for use in an industrial or non-industrial process without need for an energy field or centralized energy storage . . . ."
- Claim 17 – "A method of transferring energy from one process fluid to another in an industrial or non-industrial process without need for an energy field or centralized energy storage . . . ."

Paragraph [04], for example, discusses benefits of not having an energy field or centralized energy storage:

> Embodiments of the present invention permit the transfer of heat energy from one process fluid to another in an industrial process <u>without the need for an energy field or centralized energy storage</u>. Preferred embodiments include one or more heat transfer modules that draw heat from one process fluid into circulating refrigerant in an evaporator heat exchanger and supply that heat to a different process fluid in a condenser heat exchanger. In some embodiments, adjustments are made to one or more parameters of one or more process fluids to ensure the desired heat transfer is accomplished with the heat transfer module's compressor operating near optimum efficiency.

The energy advantages of the presently claimed techniques are highlighted throughout the application. For example, with respect to FIGS. 1A and 1B, which illustrate example systems for transferring heat energy from a cooling fluid to a warming fluid via a heat transfer module, paragraphs [24] and [25] of the specification describe the following:

As can be seen, the systems of FIGS. 1A-1B lack an energy field or centralized energy storage. The illustrated systems do not need to store heat energy. Such systems use modulating/digital heat transfer modules (or multiple heat transfer modules used in parallel—see, e.g., FIGS. 5-8), along with the application of industrial control methods that process multiple inputs and derive multiple outputs with high levels of speed and accuracy (discussed in greater detail in connection with FIG. 10). In this way, the systems can monitor the energy needs of both the heating and cooling processes simultaneously and modulate the BTU output of the system to match the output to the smaller energy need. For example, suppose the cooling industrial sub-process involved shedding X BTUs to the cooling fluid and the yet-to-be-cooled cooling fluid was suited to take on only 0.75X BTUs. Assuming a constant cooling fluid flow rate, that would mean that the cooling fluid would have to shed 0.25X BTUs either to the heat transfer module refrigerant or to other cooling means (e.g., a cooling tower) before entering the cooling industrial sub-process. Suppose also that the warming industrial sub-process involved taking on 2X BTUs from the warming fluid and the yet-to-be-warmed warming fluid was suited to provide only 1.25X BTUs. Again, assuming a constant warming fluid flow rate, that would mean that the warming fluid would have to take on 0.75X BTUs either from the heat transfer module refrigerant or from other warming means (e.g., a steam boiler). In this scenario, the cooling fluid would shed 0.25X BTUs to the heat transfer module refrigerant, which would then be provided to the warming fluid. That would mean that the warming fluid would have to take on 0.5X BTUs from other warming means. This results in no excess energy being generated that would require storage in a centralized energy field. With this system 100% of the heat energy that is drawn into the refrigerant in the evaporator heat exchanger 4 is shed from the refrigerant in the condenser heat exchanger 8 to the warming fluid.

As noted above, eliminating the need for an energy field or centralized energy storage can provide several advantages. In a typical heat transfer module application (such as a geothermal heating/cooling system) the construction of the energy field can exceed 50% of the total project cost. In addition energy fields require a significant amount of physical space that in many potential applications is simply not available. Furthermore, transferring energy into and out of the centralized storage system itself requires energy reducing the overall system efficiency. Transferring heat energy from the cooling fluid to the warming fluid by way of the heat transfer module can result in very significant efficiency improvements.

Because the presently claimed methods can transfer energy without storing energy in an energy field or a centralized energy storage, the methods can result in more efficient energy transfer than other techniques. The methods can avoid excess energy

loss associated with transferring energy into and out of a centralized energy storage system. The methods can also avoid generation of excess energy that would require storage in a centralized energy field. Accordingly, Applicant respectfully submits that this application meets the materiality standard for contributing to the more efficient utilization and conservation of energy resources.

Moreover, the techniques embodied in Applicant's claims can be implemented in a number of different situations. Paragraph [33] of Applicant's specification describes the example application of an ethanol production facility and how such an application results in energy savings. In particular, the paragraph states:

> FIGS 5-8 show illustrative systems according to embodiments of the present invention for use in ethanol production facilities. The illustrative heat transfer modules shown in FIGS. 5-8 include liquid-to-air modulating heat transfer modules 102, liquid-to-liquid modulating heat transfer modules 104, and liquid-to-liquid two stage heat transfer modules 104'. Ethanol production facilities, or ethanol plants, involve several cooling sub-processes and several warming sub-processes in which fluids carry away or deliver heat. Often, fluids used in an ethanol production facility carry away heat and simply dispense it into the atmosphere. The heat is not recycled for other uses. Similarly, heating fluids in ethanol production facilities (e.g., via steam boilers, hot water boilers, direct-fired burners, exothermic processes such as fermentation, etc.) typically consumes large amounts of energy. Thus, <u>because many embodiments of the present invention involve recycling waste heat energy for use in warming sub-processes, such embodiments of the present invention can provide very significant energy savings for ethanol production facilities</u>.

Likewise, the presently claimed methods can be used to increase energy in non-industrial processes, such as those discussed in paragraphs 5 and 39, and elsewhere, in the present application.

As set forth above, the technology of the present application materially contributes to the more efficient utilization and conservation of energy resources. In no way can it be stated that the details set forth herein represent merely an attempt to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to energy conservation. Nor is this Petition based on only a minor aspect of the claimed invention being directed to energy conservation. Rather, as set forth herein, components and features specifically recited in the claims cause the

claimed inventions to utilize energy resources more efficiently and to conserve energy resources.

Election. As indicated previously, if the USPTO determines that the claims of this application are directed to multiple inventions (e.g., in a restriction requirement), Applicant agrees 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 USPTO notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

Electronic Filing. This Petition for Reconsideration and Supplemental Statement of Special Status are being timely filed electronically using the USPTO electronic filing system, EFS-Web. The document description used for the Petition to Make Special Under the Green Technology Pilot Program is "Petition for Green Tech Pilot."

Timing. This Petition for Reconsideration and Supplemental Statement of Special Status is being filed within one month of the date on which the Decision on Petition to Make Special Under the Green Technology Pilot Program was issued.

Publication. Applicant inadvertantly neglected to submit publication fee with the initial Petition. Accordingly, Applicant respectfully submits the publication fee due in connection with the present Petition.

Conclusion. Applicant respectfully submits that the present application meets all of the eligibility requirements for the USPTO's Green Technology Pilot Program and requests that this Petition for Reconsideration be granted. The undersigned would welcome a telephone call to discuss this matter further.

Respectfully Submitted,

/Thomas R. Hipkins/
Thomas R. Hipkins
Reg. No. 57,659

FREDRIKSON & BYRON, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402
(612) 492-7000

5063863

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PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 63503.1.6	Application Number (if known): 13/330,403	Filing date: December 19, 2011

First Named Inventor: Jack W. Allen

Title: HEAT TRANSFER PROCESSES AND EQUIPMENT FOR INDUSTRIAL APPLICATIONS

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Signature /Thomas R. Hipkins/	Date February 1, 2012
Name (Print/Typed) Thomas R. Hipkins	Registration Number 57,659

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

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
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13/330,403	12/19/2011	Jack W. Allen	58258.1.6	2380

22859 7590 02/06/2012
FREDRIKSON & BYRON, P.A.
INTELLECTUAL PROPERTY GROUP
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS, MN 55402

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02/06/2012	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):

IP@FREDLAW.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of	:	
ALLEN, JACK W. et al	:	DECISION ON PETITION
Application No. 13/330,403	:	TO MAKE SPECIAL UNDER
Filed: Dec. 19, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 58258.1.6	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Feb. 1, 2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

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

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

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

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

This application will be forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: CEL 28-08	Application Number (if known): Unknown	Filing date: Herewith

First Named Inventor: GADDY, James L., et al.

Title: Methods for Increasing the Production of Ethanol from Microbial Fermentation

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature	Date 12/19/2011
Name (Print/Typed) VIKRANT B. PANCHAL	Registration Number 53,949

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

☐ *Total of 1 forms are submitted.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/330,442	12/19/2011	James L. Gaddy	CEL 28-08	1078

7590 01/23/2012
INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle, IL 60532

EXAMINER

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
01/23/2012	PAPER

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

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

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JAN 23 2012

INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle IL 60532

In re Application of	:	
GADDY, James *et al.*	:	DECISION ON PETITION
Application No. 13/330442	:	TO MAKE SPECIAL UNDER
Filed: December 19, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. CEL 28-08	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 19, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The petition to make special must be filed at least one day prior to the date that a first Office action has been mailed in the case. 2)The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) 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. 5) 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. 6) 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. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item(s) 4 and 5.
In regard to item 4, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.
In regard to item 5, petitioner should note that the instant petition does not include a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. As stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

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

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

The application is being forwarded to the Technology Center Art Unit 1651 for action in its regular turn.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.	13/330,442	)	Confirmation No. 1078
Applicant:	James L. Gaddy et al.	)	
Filed:	December 19, 2011	)	CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this paper is being electronically filed with the USPTO EFS-Web on the following date:
For:	METHODS FOR INCREASING THE PRODUCTION OF ETHANOL FROM MICROBIAL FERMENTATION	)	
Art Unit:	1651	)	
Examiner:	UNKNOWN	)	Jan. 30, 2012 Vik Panchal

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

GREEN TECHNOLOGY PILOT PROGRAM PETITION TO MAKE SPECIAL STATEMENT

To Whom It May Concern at the USPTO:

This is a petition statement to make special under the Green Technology Pilot Program pursuant to 74 Federal Register Notice 64666 (December 8, 2009) and amended by 7 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010). This is in response to USPTO action dated January 23, 2012.

Please charge any additional fee which may be required, or credit any overpayment, to Deposit Account No. 50-3573.

Table of Contents

Amendments to the Specification	(none)
Amendments to the Claims	(none)
Amendments to the Drawings	(none)
Remarks	Page 3
Exhibit A – US DOE $50M grant	
Exhibit B – USDA $75M loan guarantee	

REMARKS:

Statement:

This is a petition statement to make special under the Green Technology Pilot Program pursuant to 74 Federal Register Notice 64666 (December 8, 2009) and amended by 7 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010):

Applicants provide that the instant invention directed to methods for increasing production of alcohol from syngas fermentation:

1) materially enhances the quality of the environment by offering potential to utilize low cost carbon and waste to produce fuel and energy;
2) materially contributes to the development of renewable energy resources by offering sustainable alternatives to fossil fuels; and
3) materially contributes to green house gas reduction by providing a potential step change in green house gas emissions.

Moreover, please note the following excerpt from a press release dated December 4, 2009 (Attached as Exhibit A) indicating U.S. Department of Energy $50 million dollar grant for technology related to the instant invention:

> "The U.S. Department of Energy (DOE) today announced it has selected INEOS Bio and its partner, New Planet Energy, for a $50 million dollar grant for its advanced bioenergy facility in Indian River County, Florida. The grant was announced jointly by DOE Secretary Steven Chu and USDA Secretary Tom Vilsack. The facility will be the first to use INEOS Bio's advanced BioEnergy technology, the world's leading feedstock flexible technology for production of both bioethanol and renewable power.
>
> . . .
>
> The INEOS Bio process is an efficient, affordable and flexible conversion technology. At the heart of the INEOS Bio technology is a patented anaerobic fermentation step, through which naturally occurring bacteria convert gases derived directly from biomass into bio-ethanol. The process supports high recycling and high landfill diversion rates. Unlike other technologies that rely on one primary source of feedstock, the INEOS Bio process can produce bioenergy from numerous feedstocks, including forestry waste, agricultural waste, sustainable energy crops, construction waste and municipal solid waste. This feedstock flexibility allows facilities to be built anywhere that a renewable biomass feedstock is available, providing good jobs and locally sourced energy for urban as well as rural communities."

Also, please note the following excerpt from a press release dated August 18, 2011 (Attached as Exhibit B) indicating U.S. Department of Agriculture $75 million dollar loan guarantee for technology related to the instant invention:

> "Agriculture Secretary Tom Vilsack announced today that the U.S. Department of Agriculture's Rural Development recently issued a $75 million loan guarantee to support construction of a waste-to-energy bioprocessing facility in Vero Beach, Fla., that will produce up to 8 million gallons per year of cellulosic ethanol and create an estimated 380 new jobs. Vilsack toured the facility last week, meeting construction workers and company and community officials to highlight the importance of helping our nation develop the next generation of biofuels.
>
> . . .
>
> The INEOS plant builds on these efforts to create new jobs and increase America's energy independence. The loan guarantee was issued through USDA Rural Development's Biorefinery Assistance Program, authorized in the 2008 Farm Bill."

Accordingly, Applicant requests that the instant application meets the requirements pursuant to 74 Federal Register Notice 64666 (December 8, 2009) and amended by 7 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

Respectfully submitted,

Vikrant B. Panchal
Registration No. 53,949

Date: January 30, 2012

INEOS BIO LIMITED
3030 Warrenville Rd. STE 650
Lisle, IL 60532
T: 630-857-7331
F: 630-857-7328

Exhibit A

December 4, 2009
INEOS Bio Press Release

"INEOS Bio JV Selected for $50 Million U.S. Department of Energy Grant for Commercial BioEnergy Facility"

Press Release:

INEOS Bio JV Selected for $50 Million U.S. Department of Energy Grant for Commercial BioEnergy Facility
December 4th 2009

INEOS Bio JV Selected for $50 Million U.S. Department of Energy Grant for Commercial BioEnergy Facility - Construction expected to begin in 2Q 2010 - Commercial-scale facility will be operational by late 2011

Lisle, IL - The U.S. Department of Energy (DOE) today announced it has selected INEOS
Bio and its partner, New Planet Energy, for a $50 million dollar grant for its advanced bioenergy facility in Indian River County, Florida. The grant was announced jointly by DOE
Secretary Steven Chu and USDA Secretary Tom Vilsack. The facility will be the first to use
INEOS Bio's advanced BioEnergy technology, the world's leading feedstock flexible technology for production of both bioethanol and renewable power.

The INEOS New Planet BioEnergy Joint Venture will own and operate the commercial facility.
It will produce eight million gallons of third generation bioethanol per year from renewable
biomass including yard, wood and vegetative wastes. The facility will also generate clean renewable power for export to the Florida market. This investment will bring clean tech employment to the Treasure Coast region of Florida, creating approximately 120 construction
jobs over the next two years and 40-50 full time jobs.

In commenting on the grant, INEOS Bio CEO Peter Williams highlighted the benefits of the
INEOS Bio technology: "This breakthrough technology will substantially reduce net greenhouse gas emissions from cars and energy generation. Not only does it reduce the amount of waste going to landfills, but it also breaks the link between food crops and bioethanol production. The ability to make fuel from agricultural waste and municipal solid waste opens up a whole new avenue to achieving sustainable energy independence." Added Williams, "We appreciate the continued support of the DOE as we commercialize this world-class technology in the U.S."

Commenting on the announcement, W.L. "Tex" Carter, President of New Planet Energy, said:
"We are grateful to the U.S. Department of Energy for its endorsement of this worldchanging

technology. We intend to move forward to achieve full commercial production at the facility by late 2011."

The INEOS Bio process is an efficient, affordable and flexible conversion technology. At the heart of the INEOS Bio technology is a patented anaerobic fermentation step, through which naturally occurring bacteria convert gases derived directly from biomass into bio-ethanol. The process supports high recycling and high landfill diversion rates. Unlike other technologies that rely on one primary source of feedstock, the INEOS Bio process can produce bioenergy from numerous feedstocks, including forestry waste, agricultural waste, sustainable energy crops, construction waste and municipal solid waste. This feedstock flexibility allows facilities to be built anywhere that a renewable biomass feedstock is available, providing good jobs and locally sourced energy for urban as well as rural communities.

Notes to Editors

INEOS Bio is a BioEnergy company working to commercialize and license a highly innovative thermo-chemical and bio-chemical technology for the production of renewable biofuels and renewable power from a wide range of low-cost carbon materials. Its initial focus is the commercialization of the world's leading third generation bioethanol technology process to serve the global renewable transport fuels market and the renewable energy market. For more information, visit www.ineosbio.com

INEOS Bio is one of the global businesses in INEOS. INEOS is the world's third largest chemicals company and a leading manufacturer of petrochemicals, specialty chemicals, biofuels, and oil products. Comprising 17 businesses, with a production network spanning 64 manufacturing facilities in 14 countries, the company produces more than 30 million tons of petrochemicals, and 20 million tons per annum of crude oil refined products (fuels). INEOS employs 15,500 people and has sales of around $47 Billion. For more information visit www.ineos.com

New Planet Energy LLC is engaged in the development and implementation of advanced biofuels and energy projects. For more information, visit www.newplanetenergy.com

Contacts:

INEOS Bio

Dan Cummings
Business Manager – Americas
(630) 857-7165

biopress@ineos.com

New Planet Energy, LLC

W.L. "Tex" Carter
President,
(321) 368-2044

Exhibit B

August 18, 2011
INEOS Bio Press Release

"USDA Guarantees Loan to Florida Biofuels Facility Capable of Creating Energy and Hundreds of Jobs from Citrus and Yard Waste"

Press Release:

USDA Guarantees Loan to Florida Biofuels Facility Capable of Creating Energy and Hundreds of Jobs from Citrus and Yard Waste
August 18th 2011

Agriculture Secretary Tom Vilsack announced today that the U.S. Department of Agriculture's Rural Development recently issued a $75 million loan guarantee to support construction of a waste-to-energy bioprocessing facility in Vero Beach, Fla., that will produce up to 8 million gallons per year of cellulosic ethanol and create an estimated 380 new jobs.

WASHINGTON, August 18, 2011—Agriculture Secretary Tom Vilsack announced today that the U.S. Department of Agriculture's Rural Development recently issued a $75 million loan guarantee to support construction of a waste-to-energy bioprocessing facility in Vero Beach, Fla., that will produce up to 8 million gallons per year of cellulosic ethanol and create an estimated 380 new jobs. Vilsack toured the facility last week, meeting construction workers and company and community officials to highlight the importance of helping our nation develop the next generation of biofuels.

"Over the past two years, USDA has worked to help our nation develop a national biofuels economy that continues to help us grow and out-compete the rest of the world," said Vilsack. "In the months ahead, USDA will continue to work with federal partners like the Department of Energy, the U.S. Navy and the Federal Aviation Administration to improve our country's energy security and provide sustainable jobs in communities across the country. This cutting-edge facility in Florida, and others like it across America, represents the kind of innovation we need to continue to build a competitively-priced, American-made, homegrown biofuels industry that helps to break our dependence on foreign oil and moves our nation toward a clean energy economy."

The facility, estimated to be completed by the summer of 2012 and being constructed by INEOS New Plant Energy, LLC, will use a gas fermentation process to produce an estimated 8 million gallons of cellulosic ethanol from citrus fruit, vegetable and yard wastes. The plant will consume an estimated 300 dry tons per day of organic material and, in addition to ethanol, produce enough electricity to run the plant and provide for the power needs of 1,400 homes. It is estimated that the facility will create 380 jobs, including 175 construction jobs and 50 full-time jobs in Indian River County, Fla. Compared to gasoline, the ethanol produced by the plant will reduce greenhouse gas emissions by an estimated 90 percent.

Earlier this week, President Obama announced that the U.S. Departments of Agriculture, Energy and Navy will invest up to $510 million during the next three years in partnership with the private sector to produce advanced drop-in aviation and marine biofuels to

power military and commercial transportation. The initiative responds to a directive from President Obama issued in March as part of his Blueprint for A Secure Energy Future, the Administration's framework for reducing dependence on foreign oil. Vilsack joined Energy Secretary Steven Chu and Secretary of the Navy Ray Mabus to sign a joint Memorandum of Understanding committing the departments to the initiative.

The INEOS plant builds on these efforts to create new jobs and increase America's energy independence. The loan guarantee was issued through USDA Rural Development's Biorefinery Assistance Program, authorized in the 2008 Farm Bill.

USDA Rural Development's mission is to increase economic opportunity and improve the quality of life for rural residents. Rural Development fosters growth in homeownership, finances business development, and supports the creation of critical community and technology infrastructure. Further information on rural programs is available at a local USDA Rural Development office or by visiting USDA Rural Development's web site at www.rurdev.usda.gov/rbs/busp/bprogs.htm. #

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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.
13/330,442	12/19/2011	James L. Gaddy	CEL 28-08	1078

7590 02/10/2012
INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle, IL 60532

EXAMINER

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
02/10/2012	PAPER

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

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

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INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle IL 60532

FEB 10 2012

In re Application of	:	
James L. Gaddy et al.	:	DECISION ON PETITION
Application No. 13/330,442	:	TO MAKE SPECIAL UNDER
Filed: December 19, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. CEL 28-08	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 30, 2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010), 75 Federal Register Notice 69049 (November 10, 2010) and 76 Federal Register Notice 77979 (December 15, 2011).

The petition is **GRANTED**.

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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:	13/331,097	Filing date:	December 20, 2011
First Named Inventor:	Alexander Zheludkov		
Title of the Invention:	REAL TIME VIDEO CODING/DECODING		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2008/075586

The international filing date of the corresponding PCT application(s) is/are: September 8, 2008

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

(continued)

Application No.:	13/331,097
First Named Inventor:	Alexander Zheludkov

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on December 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 December 20, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	15	identical
2	16	identical
3	17	identical

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

Signature /Steven G. Parmelee/	Date December 20, 2011
Name (Print/Typed) Steven G. Parmelee	Registration Number 28,790

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:	15042-82775	Application Number (if known):	13/331,100	Filing date:	December 20, 2011
First Named Inventor:	Chih-Hsiung Lin				
Title:	THIN-FILM SOLAR CELL AND METHOD FOR MANUFACTURING THE SAME				

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

Signature	/Tim Tingkang Xia/	Date	January 3, 2012
Name (Print/Typed)	Tim Tingkang Xia	Registration Number	45,242

***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 if more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

S/N 13/331,100

PATENT
Confirmation No.: 7972

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Chih-Hsiang Lin, et al.	Examiner:	Unassigned
Serial No.:	13/331,100	Group Art Unit:	Unassigned
Filed:	December 20, 2011	Docket:	15042-82775

Title: THIN-FILM SOLAR CELL AND MANUFACTURING THE SAME

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

Mail Stop: Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

January 3, 2012

CUSTOMER NO. 24728

Dear Sir/Madam:

This Statement of Special Status for the Eligibility Requirement is filed pursuant to the requirements listed in PTO/SB/420, filed herewith, and pursuant to the requirements of 74 Fed. Reg. 64,666 (December 8, 2009), as amended by 75 Fed. Reg. 28,554 (May 21, 2010), 75 Fed. Reg. 69,049 (November 10, 2010), and 75 Fed. Reg. 77,979 (December 15, 2011).

A basis for the special status is that aspects of the invention relate to ***thin-film solar cells*** that ***materially contribute to the discovery or development of renewable energy resources***. Applicant respectfully submits that it is clear on the above-referenced application's face that the claimed invention materially contributes to ***the discovery or development of renewable energy resources***, so no statement is required explaining how the materiality standard is met.

The above-referenced application is a non-reissue, non-provisional utility application filed December 20, 2011 under 35 U.S.C. § 111(a). The application contains no more than three (3) independent claims and twenty (20) total claims. The application does not contain any multiple dependent claims. Further, applicant respectfully submits that the claims of the application are directed to a single invention of a solar cell and manufacturing method thereof. However, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a

restriction requirement), applicant agrees to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements.

A first Office action (including an Office action containing only a restriction requirement) has not yet appeared in the Patent Application Information Retrieval (PAIR) system.

A request for early publication of the present application in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) are concurrently accompanied herewith this petition.

It is believed that no fee is due. However, the Commissioner is hereby authorized to charge any petition fee under 37 CFR 1.102, and any deficiency of fees which may be required, or to credit of any overpayments to Deposit Account No. 50-3537.

The Applicant respectfully requests that a favorable decision on this Petition to Make Special Under the Green Technology Pilot Program be granted and the application be accorded special status under the Green Technology Pilot Program.

Respectfully submitted,
MORRIS, MANNING & MARTIN, LLP

January 3, 2012

Tim Tingkang Xia
Attorney for Applicant on the Record
Reg. No. 45,242

1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326-1044
Phone: 404-233-7000
Direct: 404-495-3678
Customer No. 24728

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.
13/331,100	12/20/2011	Chih-Hsiung Lin	15042-82775	7972

24728 7590 02/01/2012
MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA, GA 30326

EXAMINER

ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
02/01/2012	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):

ipdocket@mmmlaw.com
ppz@mmmlaw.com
jlsmith@mmmlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

2/1/12

In re Application of	:	
Lin et al.	:	DECISION ON PETITION
Application No. 13/331,100	:	TO MAKE SPECIAL UNDER
Filed: 12/20/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **15042-82775**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/3/2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: CEL 28-10	Application Number (if known): Unknown	Filing date: Herewith

First Named Inventor: GADDY, James L., et al.

Title: Methods for Increasing the Production of Ethanol from Microbial Fermentation

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature	Date 12/20/2011
Name (Print/Typed) Vik Panchal	Registration Number 53,949

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

☒ *Total of 1 forms are submitted.

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

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.
13/331,182	12/20/2011	James L. Gaddy	CEL 28-10	3296

7590 01/23/2012
INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle, IL 60532

EXAMINER

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
01/23/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 23 2012

INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle IL 60532

In re Application of	:	
GADDY, James *et al.*	:	DECISION ON PETITION
Application No. 13/331182	:	TO MAKE SPECIAL UNDER
Filed: December 20, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. CEL 28-10	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 20, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The petition to make special must be filed at least one day prior to the date that a first Office action has been mailed in the case. 2)The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) 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. 5) 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. 6) 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. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item(s) 4 and 5.
In regard to item 4, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.
In regard to item 5, petitioner should note that the instant petition does not include a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. As stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

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

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

The application is being forwarded to the Technology Center Art Unit 1651 for action in its regular turn.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.	13/331,182	)	Confirmation No. 3296
Applicant:	James L. Gaddy et al.	)	
Filed:	December 20, 2011	)	CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this paper is being electronically filed with the USPTO EFS-Web on the following date:
For:	METHODS FOR INCREASING THE PRODUCTION OF ETHANOL FROM MICROBIAL FERMENTATION	)	
Art Unit:	1651	)	
Examiner:	UNKNOWN	)	Jan. 30, 2012 Vik Panchal

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

GREEN TECHNOLOGY PILOT PROGRAM PETITION TO MAKE SPECIAL STATEMENT

To Whom It May Concern at the USPTO:

This is a petition statement to make special under the Green Technology Pilot Program pursuant to 74 Federal Register Notice 64666 (December 8, 2009) and amended by 7 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010). This is in response to USPTO action dated January 23, 2012.

Please charge any additional fee which may be required, or credit any overpayment, to Deposit Account No. 50-3573.

Table of Contents

Amendments to the Specification	(none)
Amendments to the Claims	(none)
Amendments to the Drawings	(none)
Remarks	Page 3
Exhibit A – US DOE $50M grant	
Exhibit B – USDA $75M loan guarantee	

REMARKS:

Statement:

This is a petition statement to make special under the Green Technology Pilot Program pursuant to 74 Federal Register Notice 64666 (December 8, 2009) and amended by 7 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010):

Applicants provide that the instant invention directed to methods for increasing production of alcohol from syngas fermentation:

1) materially enhances the quality of the environment by offering potential to utilize low cost carbon and waste to produce fuel and energy;
2) materially contributes to the development of renewable energy resources by offering sustainable alternatives to fossil fuels; and
3) materially contributes to green house gas reduction by providing a potential step change in green house gas emissions.

Moreover, please note the following excerpt from a press release dated December 4, 2009 (Attached as Exhibit A) indicating U.S. Department of Energy $50 million dollar grant for technology related to the instant invention:

> "The U.S. Department of Energy (DOE) today announced it has selected INEOS Bio and its partner, New Planet Energy, for a $50 million dollar grant for its advanced bioenergy facility in Indian River County, Florida. The grant was announced jointly by DOE Secretary Steven Chu and USDA Secretary Tom Vilsack. The facility will be the first to use INEOS Bio's advanced BioEnergy technology, the world's leading feedstock flexible technology for production of both bioethanol and renewable power.
>
> . . .
>
> The INEOS Bio process is an efficient, affordable and flexible conversion technology. At the heart of the INEOS Bio technology is a patented anaerobic fermentation step, through which naturally occurring bacteria convert gases derived directly from biomass into bio-ethanol. The process supports high recycling and high landfill diversion rates. Unlike other technologies that rely on one primary source of feedstock, the INEOS Bio process can produce bioenergy from numerous feedstocks, including forestry waste, agricultural waste, sustainable energy crops, construction waste and municipal solid waste. This feedstock flexibility allows facilities to be built anywhere that a renewable biomass feedstock is available, providing good jobs and locally sourced energy for urban as well as rural communities."

Also, please note the following excerpt from a press release dated August 18, 2011 (Attached as Exhibit B) indicating U.S. Department of Agriculture $75 million dollar loan guarantee for technology related to the instant invention:

> "Agriculture Secretary Tom Vilsack announced today that the U.S. Department of Agriculture's Rural Development recently issued a $75 million loan guarantee to support construction of a waste-to-energy bioprocessing facility in Vero Beach, Fla., that will produce up to 8 million gallons per year of cellulosic ethanol and create an estimated 380 new jobs. Vilsack toured the facility last week, meeting construction workers and company and community officials to highlight the importance of helping our nation develop the next generation of biofuels.
>
> . . .
> The INEOS plant builds on these efforts to create new jobs and increase America's energy independence. The loan guarantee was issued through USDA Rural Development's Biorefinery Assistance Program, authorized in the 2008 Farm Bill."

Accordingly, Applicant requests that the instant application meets the requirements pursuant to 74 Federal Register Notice 64666 (December 8, 2009) and amended by 7 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

Respectfully submitted,

Vikrant B. Panchal
Registration No. 53,949

Date: January 30, 2012

INEOS BIO LIMITED
3030 Warrenville Rd. STE 650
Lisle, IL 60532
T: 630-857-7331
F: 630-857-7328

Exhibit A

December 4, 2009
INEOS Bio Press Release

"INEOS Bio JV Selected for $50 Million U.S. Department of Energy Grant for Commercial BioEnergy Facility"

Press Release:

INEOS Bio JV Selected for $50 Million U.S. Department of Energy Grant for Commercial BioEnergy Facility
December 4th 2009

INEOS Bio JV Selected for $50 Million U.S. Department of Energy Grant for Commercial BioEnergy Facility - Construction expected to begin in 2Q 2010 - Commercial-scale facility will be operational by late 2011

Lisle, IL - The U.S. Department of Energy (DOE) today announced it has selected INEOS
Bio and its partner, New Planet Energy, for a $50 million dollar grant for its advanced bioenergy facility in Indian River County, Florida. The grant was announced jointly by DOE
Secretary Steven Chu and USDA Secretary Tom Vilsack. The facility will be the first to use
INEOS Bio's advanced BioEnergy technology, the world's leading feedstock flexible technology for production of both bioethanol and renewable power.

The INEOS New Planet BioEnergy Joint Venture will own and operate the commercial facility.
It will produce eight million gallons of third generation bioethanol per year from renewable
biomass including yard, wood and vegetative wastes. The facility will also generate clean renewable power for export to the Florida market. This investment will bring clean tech employment to the Treasure Coast region of Florida, creating approximately 120 construction
jobs over the next two years and 40-50 full time jobs.

In commenting on the grant, INEOS Bio CEO Peter Williams highlighted the benefits of the
INEOS Bio technology: "This breakthrough technology will substantially reduce net greenhouse gas emissions from cars and energy generation. Not only does it reduce the amount of waste going to landfills, but it also breaks the link between food crops and bioethanol production. The ability to make fuel from agricultural waste and municipal solid waste opens up a whole new avenue to achieving sustainable energy independence." Added Williams, "We appreciate the continued support of the DOE as we commercialize this world-class technology in the U.S."

Commenting on the announcement, W.L. "Tex" Carter, President of New Planet Energy, said:
"We are grateful to the U.S. Department of Energy for its endorsement of this worldchanging

technology. We intend to move forward to achieve full commercial production at the facility by late 2011."

The INEOS Bio process is an efficient, affordable and flexible conversion technology. At the heart of the INEOS Bio technology is a patented anaerobic fermentation step, through which naturally occurring bacteria convert gases derived directly from biomass into bio-ethanol. The process supports high recycling and high landfill diversion rates. Unlike other technologies that rely on one primary source of feedstock, the INEOS Bio process can produce bioenergy from numerous feedstocks, including forestry waste, agricultural waste, sustainable energy crops, construction waste and municipal solid waste. This feedstock flexibility allows facilities to be built anywhere that a renewable biomass feedstock is available, providing good jobs and locally sourced energy for urban as well as rural communities.

Notes to Editors

INEOS Bio is a BioEnergy company working to commercialize and license a highly innovative thermo-chemical and bio-chemical technology for the production of renewable biofuels and renewable power from a wide range of low-cost carbon materials. Its initial focus is the commercialization of the world's leading third generation bioethanol technology process to serve the global renewable transport fuels market and the renewable energy market. For more information, visit www.ineosbio.com

INEOS Bio is one of the global businesses in INEOS. INEOS is the world's third largest chemicals company and a leading manufacturer of petrochemicals, specialty chemicals, biofuels, and oil products. Comprising 17 businesses, with a production network spanning 64 manufacturing facilities in 14 countries, the company produces more than 30 million tons of petrochemicals, and 20 million tons per annum of crude oil refined products (fuels). INEOS employs 15,500 people and has sales of around $47 Billion. For more information visit www.ineos.com

New Planet Energy LLC is engaged in the development and implementation of advanced biofuels and energy projects. For more information, visit www.newplanetenergy.com

Contacts:

INEOS Bio

Dan Cummings
Business Manager – Americas
(630) 857-7165

biopress@ineos.com

New Planet Energy, LLC

W.L. "Tex" Carter
President,
(321) 368-2044

Exhibit B

August 18, 2011
INEOS Bio Press Release

"USDA Guarantees Loan to Florida Biofuels Facility Capable of Creating Energy and Hundreds of Jobs from Citrus and Yard Waste"

Press Release:

USDA Guarantees Loan to Florida Biofuels Facility Capable of Creating Energy and Hundreds of Jobs from Citrus and Yard Waste
August 18th 2011

Agriculture Secretary Tom Vilsack announced today that the U.S. Department of Agriculture's Rural Development recently issued a $75 million loan guarantee to support construction of a waste-to-energy bioprocessing facility in Vero Beach, Fla., that will produce up to 8 million gallons per year of cellulosic ethanol and create an estimated 380 new jobs.

WASHINGTON, August 18, 2011—Agriculture Secretary Tom Vilsack announced today that the U.S. Department of Agriculture's Rural Development recently issued a $75 million loan guarantee to support construction of a waste-to-energy bioprocessing facility in Vero Beach, Fla., that will produce up to 8 million gallons per year of cellulosic ethanol and create an estimated 380 new jobs. Vilsack toured the facility last week, meeting construction workers and company and community officials to highlight the importance of helping our nation develop the next generation of biofuels.

"Over the past two years, USDA has worked to help our nation develop a national biofuels economy that continues to help us grow and out-compete the rest of the world," said Vilsack. "In the months ahead, USDA will continue to work with federal partners like the Department of Energy, the U.S. Navy and the Federal Aviation Administration to improve our country's energy security and provide sustainable jobs in communities across the country. This cutting-edge facility in Florida, and others like it across America, represents the kind of innovation we need to continue to build a competitively-priced, American-made, homegrown biofuels industry that helps to break our dependence on foreign oil and moves our nation toward a clean energy economy."

The facility, estimated to be completed by the summer of 2012 and being constructed by INEOS New Plant Energy, LLC, will use a gas fermentation process to produce an estimated 8 million gallons of cellulosic ethanol from citrus fruit, vegetable and yard wastes. The plant will consume an estimated 300 dry tons per day of organic material and, in addition to ethanol, produce enough electricity to run the plant and provide for the power needs of 1,400 homes. It is estimated that the facility will create 380 jobs, including 175 construction jobs and 50 full-time jobs in Indian River County, Fla. Compared to gasoline, the ethanol produced by the plant will reduce greenhouse gas emissions by an estimated 90 percent.

Earlier this week, President Obama announced that the U.S. Departments of Agriculture, Energy and Navy will invest up to $510 million during the next three years in partnership with the private sector to produce advanced drop-in aviation and marine biofuels to

power military and commercial transportation. The initiative responds to a directive from President Obama issued in March as part of his Blueprint for A Secure Energy Future, the Administration's framework for reducing dependence on foreign oil. Vilsack joined Energy Secretary Steven Chu and Secretary of the Navy Ray Mabus to sign a joint Memorandum of Understanding committing the departments to the initiative.

The INEOS plant builds on these efforts to create new jobs and increase America's energy independence. The loan guarantee was issued through USDA Rural Development's Biorefinery Assistance Program, authorized in the 2008 Farm Bill.

USDA Rural Development's mission is to increase economic opportunity and improve the quality of life for rural residents. Rural Development fosters growth in homeownership, finances business development, and supports the creation of critical community and technology infrastructure. Further information on rural programs is available at a local USDA Rural Development office or by visiting USDA Rural Development's web site at www.rurdev.usda.gov/rbs/busp/bprogs.htm. #

USDA is an equal opportunity provider, employer and lender. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, 1400 Independence Ave., S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice), or (202) 720-6382 (TDD)

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.
13/331,182	12/20/2011	James L. Gaddy	CEL 28-10	3296

7590 02/10/2012
INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle, IL 60532

EXAMINER

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
02/10/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FEB 10 2012

INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle IL 60532

In re Application of	:	
James L. Gaddy et al.	:	DECISION ON PETITION
Application No. 13/331,182	:	TO MAKE SPECIAL UNDER
Filed: December 20, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. CEL 28-10	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 30, 2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010), 75 Federal Register Notice 69049 (November 10, 2010) and 76 Federal Register Notice 77979 (December 15, 2011).

The petition is **GRANTED**.

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: CEL 28-11	Application Number (if known): Unknown	Filing date: Herewith

First Named Inventor: GADDY, James L., et al.

Title: Methods for Increasing the Production of Ethanol from Microbial Fermentation

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature	Date 12/20/2011
Name (Print/Typed) Vik Panchal	Registration Number 53,949

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

☑ *Total of 1 forms are submitted.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/331,192	12/20/2011	James L. Gaddy	CEL 28-11	6345

7590 01/23/2012
INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle, IL 60532

EXAMINER

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
01/23/2012	PAPER

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

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

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JAN 23 2012

INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle IL 60532

In re Application of	:	
GADDY, James *et al.*	:	DECISION ON PETITION
Application No. 13/331192	:	TO MAKE SPECIAL UNDER
Filed: December 20, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. CEL 28-11	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 20, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The petition to make special must be filed at least one day prior to the date that a first Office action has been mailed in the case. 2)The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) 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. 5) 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. 6) 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. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item(s) 4 and 5.
In regard to item 4, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.
In regard to item 5, petitioner should note that the instant petition does not include a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. As stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

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

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

The application is being forwarded to the Technology Center Art Unit 1651 for action in its regular turn.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner
Technology Center 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.	13/331,192	)	Confirmation No. 6345
Applicant:	James L. Gaddy et al.	)	
Filed:	December 20, 2011	)	CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this paper is being electronically filed with the USPTO EFS-Web on the following date:
For:	METHODS FOR INCREASING THE PRODUCTION OF ETHANOL FROM MICROBIAL FERMENTATION	)	
Art Unit:	1651	)	
Examiner:	UNKNOWN	)	Jan. 30, 2012 Vik Panchal

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

GREEN TECHNOLOGY PILOT PROGRAM PETITION TO MAKE SPECIAL STATEMENT

To Whom It May Concern at the USPTO:

This is a petition statement to make special under the Green Technology Pilot Program pursuant to 74 Federal Register Notice 64666 (December 8, 2009) and amended by 7 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010). This is in response to USPTO action dated January 23, 2012.

Please charge any additional fee which may be required, or credit any overpayment, to Deposit Account No. 50-3573.

Table of Contents

Amendments to the Specification	(none)
Amendments to the Claims	(none)
Amendments to the Drawings	(none)
Remarks	Page 3
Exhibit A – US DOE $50M grant	
Exhibit B – USDA $75M loan guarantee	

REMARKS:

Statement:

This is a petition statement to make special under the Green Technology Pilot Program pursuant to 74 Federal Register Notice 64666 (December 8, 2009) and amended by 7 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010):

Applicants provide that the instant invention directed to methods for increasing production of alcohol from syngas fermentation:

1) materially enhances the quality of the environment by offering potential to utilize low cost carbon and waste to produce fuel and energy;
2) materially contributes to the development of renewable energy resources by offering sustainable alternatives to fossil fuels; and
3) materially contributes to green house gas reduction by providing a potential step change in green house gas emissions.

Moreover, please note the following excerpt from a press release dated December 4, 2009 (Attached as Exhibit A) indicating U.S. Department of Energy $50 million dollar grant for technology related to the instant invention:

> "The U.S. Department of Energy (DOE) today announced it has selected INEOS Bio and its partner, New Planet Energy, for a $50 million dollar grant for its advanced bioenergy facility in Indian River County, Florida. The grant was announced jointly by DOE Secretary Steven Chu and USDA Secretary Tom Vilsack. The facility will be the first to use INEOS Bio's advanced BioEnergy technology, the world's leading feedstock flexible technology for production of both bioethanol and renewable power.
>
> . . .
>
> The INEOS Bio process is an efficient, affordable and flexible conversion technology. At the heart of the INEOS Bio technology is a patented anaerobic fermentation step, through which naturally occurring bacteria convert gases derived directly from biomass into bio-ethanol. The process supports high recycling and high landfill diversion rates. Unlike other technologies that rely on one primary source of feedstock, the INEOS Bio process can produce bioenergy from numerous feedstocks, including forestry waste, agricultural waste, sustainable energy crops, construction waste and municipal solid waste. This feedstock flexibility allows facilities to be built anywhere that a renewable biomass feedstock is available, providing good jobs and locally sourced energy for urban as well as rural communities."

Also, please note the following excerpt from a press release dated August 18, 2011 (Attached as Exhibit B) indicating U.S. Department of Agriculture $75 million dollar loan guarantee for technology related to the instant invention:

> "Agriculture Secretary Tom Vilsack announced today that the U.S. Department of Agriculture's Rural Development recently issued a $75 million loan guarantee to support construction of a waste-to-energy bioprocessing facility in Vero Beach, Fla., that will produce up to 8 million gallons per year of cellulosic ethanol and create an estimated 380 new jobs. Vilsack toured the facility last week, meeting construction workers and company and community officials to highlight the importance of helping our nation develop the next generation of biofuels.
>
> . . .
>
> The INEOS plant builds on these efforts to create new jobs and increase America's energy independence. The loan guarantee was issued through USDA Rural Development's Biorefinery Assistance Program, authorized in the 2008 Farm Bill."

Accordingly, Applicant requests that the instant application meets the requirements pursuant to 74 Federal Register Notice 64666 (December 8, 2009) and amended by 7 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

Respectfully submitted,

Vikrant B. Panchal
Registration No. 53,949

Date: January 30, 2012

INEOS BIO LIMITED
3030 Warrenville Rd. STE 650
Lisle, IL 60532
T: 630-857-7331
F: 630-857-7328

Exhibit A

December 4, 2009
INEOS Bio Press Release

"INEOS Bio JV Selected for $50 Million U.S. Department of Energy Grant for Commercial BioEnergy Facility"

Press Release:

INEOS Bio JV Selected for $50 Million U.S. Department of Energy Grant for Commercial BioEnergy Facility
December 4th 2009

INEOS Bio JV Selected for $50 Million U.S. Department of Energy Grant for Commercial BioEnergy Facility - Construction expected to begin in 2Q 2010 - Commercial-scale facility will be operational by late 2011

Lisle, IL - The U.S. Department of Energy (DOE) today announced it has selected INEOS
Bio and its partner, New Planet Energy, for a $50 million dollar grant for its advanced bioenergy facility in Indian River County, Florida. The grant was announced jointly by DOE
Secretary Steven Chu and USDA Secretary Tom Vilsack. The facility will be the first to use
INEOS Bio's advanced BioEnergy technology, the world's leading feedstock flexible technology for production of both bioethanol and renewable power.

The INEOS New Planet BioEnergy Joint Venture will own and operate the commercial facility.
It will produce eight million gallons of third generation bioethanol per year from renewable
biomass including yard, wood and vegetative wastes. The facility will also generate clean renewable power for export to the Florida market. This investment will bring clean tech employment to the Treasure Coast region of Florida, creating approximately 120 construction
jobs over the next two years and 40-50 full time jobs.

In commenting on the grant, INEOS Bio CEO Peter Williams highlighted the benefits of the
INEOS Bio technology: "This breakthrough technology will substantially reduce net greenhouse gas emissions from cars and energy generation. Not only does it reduce the amount of waste going to landfills, but it also breaks the link between food crops and bioethanol production. The ability to make fuel from agricultural waste and municipal solid waste opens up a whole new avenue to achieving sustainable energy independence." Added Williams, "We appreciate the continued support of the DOE as we commercialize this world-class technology in the U.S."

Commenting on the announcement, W.L. "Tex" Carter, President of New Planet Energy, said:
"We are grateful to the U.S. Department of Energy for its endorsement of this worldchanging

technology. We intend to move forward to achieve full commercial production at the facility by late 2011."

The INEOS Bio process is an efficient, affordable and flexible conversion technology. At the heart of the INEOS Bio technology is a patented anaerobic fermentation step, through which naturally occurring bacteria convert gases derived directly from biomass into bio-ethanol. The process supports high recycling and high landfill diversion rates. Unlike other technologies that rely on one primary source of feedstock, the INEOS Bio process can produce bioenergy from numerous feedstocks, including forestry waste, agricultural waste, sustainable energy crops, construction waste and municipal solid waste. This feedstock flexibility allows facilities to be built anywhere that a renewable biomass feedstock is available, providing good jobs and locally sourced energy for urban as well as rural communities.

Notes to Editors

INEOS Bio is a BioEnergy company working to commercialize and license a highly innovative thermo-chemical and bio-chemical technology for the production of renewable biofuels and renewable power from a wide range of low-cost carbon materials. Its initial focus is the commercialization of the world's leading third generation bioethanol technology process to serve the global renewable transport fuels market and the renewable energy market. For more information, visit www.ineosbio.com

INEOS Bio is one of the global businesses in INEOS. INEOS is the world's third largest chemicals company and a leading manufacturer of petrochemicals, specialty chemicals, biofuels, and oil products. Comprising 17 businesses, with a production network spanning 64 manufacturing facilities in 14 countries, the company produces more than 30 million tons of petrochemicals, and 20 million tons per annum of crude oil refined products (fuels). INEOS employs 15,500 people and has sales of around $47 Billion. For more information visit www.ineos.com

New Planet Energy LLC is engaged in the development and implementation of advanced biofuels and energy projects. For more information, visit www.newplanetenergy.com

Contacts:

INEOS Bio

Dan Cummings
Business Manager – Americas
(630) 857-7165

biopress@ineos.com

New Planet Energy, LLC

W.L. "Tex" Carter
President,
(321) 368-2044

Exhibit B

August 18, 2011
INEOS Bio Press Release

"USDA Guarantees Loan to Florida Biofuels Facility Capable of Creating Energy and Hundreds of Jobs from Citrus and Yard Waste"

Press Release:

USDA Guarantees Loan to Florida Biofuels Facility Capable of Creating Energy and Hundreds of Jobs from Citrus and Yard Waste
August 18th 2011

Agriculture Secretary Tom Vilsack announced today that the U.S. Department of Agriculture's Rural Development recently issued a $75 million loan guarantee to support construction of a waste-to-energy bioprocessing facility in Vero Beach, Fla., that will produce up to 8 million gallons per year of cellulosic ethanol and create an estimated 380 new jobs.

WASHINGTON, August 18, 2011—Agriculture Secretary Tom Vilsack announced today that the U.S. Department of Agriculture's Rural Development recently issued a $75 million loan guarantee to support construction of a waste-to-energy bioprocessing facility in Vero Beach, Fla., that will produce up to 8 million gallons per year of cellulosic ethanol and create an estimated 380 new jobs. Vilsack toured the facility last week, meeting construction workers and company and community officials to highlight the importance of helping our nation develop the next generation of biofuels.

"Over the past two years, USDA has worked to help our nation develop a national biofuels economy that continues to help us grow and out-compete the rest of the world," said Vilsack. "In the months ahead, USDA will continue to work with federal partners like the Department of Energy, the U.S. Navy and the Federal Aviation Administration to improve our country's energy security and provide sustainable jobs in communities across the country. This cutting-edge facility in Florida, and others like it across America, represents the kind of innovation we need to continue to build a competitively-priced, American-made, homegrown biofuels industry that helps to break our dependence on foreign oil and moves our nation toward a clean energy economy."

The facility, estimated to be completed by the summer of 2012 and being constructed by INEOS New Plant Energy, LLC, will use a gas fermentation process to produce an estimated 8 million gallons of cellulosic ethanol from citrus fruit, vegetable and yard wastes. The plant will consume an estimated 300 dry tons per day of organic material and, in addition to ethanol, produce enough electricity to run the plant and provide for the power needs of 1,400 homes. It is estimated that the facility will create 380 jobs, including 175 construction jobs and 50 full-time jobs in Indian River County, Fla. Compared to gasoline, the ethanol produced by the plant will reduce greenhouse gas emissions by an estimated 90 percent.

Earlier this week, President Obama announced that the U.S. Departments of Agriculture, Energy and Navy will invest up to $510 million during the next three years in partnership with the private sector to produce advanced drop-in aviation and marine biofuels to

power military and commercial transportation. The initiative responds to a directive from President Obama issued in March as part of his Blueprint for A Secure Energy Future, the Administration's framework for reducing dependence on foreign oil. Vilsack joined Energy Secretary Steven Chu and Secretary of the Navy Ray Mabus to sign a joint Memorandum of Understanding committing the departments to the initiative.

The INEOS plant builds on these efforts to create new jobs and increase America's energy independence. The loan guarantee was issued through USDA Rural Development's Biorefinery Assistance Program, authorized in the 2008 Farm Bill.

USDA Rural Development's mission is to increase economic opportunity and improve the quality of life for rural residents. Rural Development fosters growth in homeownership, finances business development, and supports the creation of critical community and technology infrastructure. Further information on rural programs is available at a local USDA Rural Development office or by visiting USDA Rural Development's web site at www.rurdev.usda.gov/rbs/busp/bprogs.htm. #

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/331,192	12/20/2011	James L. Gaddy	CEL 28-11	6345

7590 02/10/2012
INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle, IL 60532

EXAMINER

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
02/10/2012	PAPER

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

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

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INEOS BIO LIMITED
3030 Warrenville Rd., S/650
Lisle IL 60532

FEB 10 2012

In re Application of :
James L. Gaddy et al. : DECISION ON PETITION
Application No. 13/331,192 : TO MAKE SPECIAL UNDER
Filed: December 20, 2011 : THE GREEN TECHNOLOGY
Attorney Docket No. CEL 28-11 : PILOT PROGRAM

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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L12	L11 and ((resolution or intensity or levelofdetail) near5 texture)	12	L12	L12
L11	(l5 or l6 or l8 or l9 or L10)	43	L11	L11
L10	L8 and (filter$3 near5 texture)	3	L10	L10
L9	L8 and (((adjacent or adjoin$4 or neighbor$5) near5 (edge or vertex or vertice)) same (texture adj3 map$4))	3	L9	L9
L8	data file and texture map$4 and (metadata near5 (identif$4 or indicat$4 or specif$4 or tag$4))	33	L8	L8
L7	data filer and texture map$4 and (metadata near5 (identif$4 or indicat$4 or specif$4 or tag$4))	0	L7	L7

L6	L5 and (filter$3 near5 texture)	5	L6	L6
L5	L3 and (metadata near5 (identif$4 or indicat$4 or specif$4 or tag$4))	13	L5	L5
L4	L and (metadata near5 (identif$4 or indicat$4 or specif$4 or tag$4))	12628	L4	L4
L3	(render$3 near5 (object or graphic or pipeline or polygon)) and ((retriev$3 or access$3 or extract$3 or read$3) near7 texture) and (texture adj3 map$4) and ((file or directory or repository or database or buffer) near5 texture)	1309	L3	L3
L2	L1 and (metadata near5 (identif$4 or indicat$4 or specif$4 or tag$4))	2	L2	L2
L1	(render$3 near5 (object or graphic)) and (((retriev$3 or access$3 or extract$3) near7 texture map$4) same (file or directory or repository or database or buffer))	220	L1	L1

END OF SEARCH HISTORY

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FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO IL 60654-5313

MAILED
DEC 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Perry, et al.	:	
Application No. 13/331,597	:	DECISION ACCORDING STATUS
Filed: December 20, 2011	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 461494-0484	:	

This is in response to the petition under 37 C.F.R. § 1.47(a), filed December 20, 2011.

The petition under 37 C.F.R. § 1.47(a) is **GRANTED**.

The petition and declaration have been reviewed and determined to be in compliance with 37 C.F.R. § 1.47(b). Specifically, petitioner has included a copy of a decision according Rule 47 application from the parent application.

The application is hereby accorded Rule 47 status.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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

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

Application No:	New Continuation of USSN 12/293,353	Filing date:	December 20, 2011
First Named Inventor:	PARRINELLO et al.		
Title of the Invention:	APPARATUSES AND METHODS FOR MANUFACTURING CONTAINERS		

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/IB2007/000550

The international filing date of the corresponding PCT application(s) is/are: 9 March 2007

I. List of Required Documents:

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

[x] Is attached (INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY)

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

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

[x] Is attached.

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

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

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

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

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

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

(continued)

Application No.:	New Continuation of USSN 12/293,353
First Named Inventor:	PARRINELLO 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 September 17, 2008 in (USSN 12/293,353)

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	123	substantially the same, but change "holding elements" to --handling elements--
2	124	substantially the same, but change "holding elements" to --handling elements--
3	125	substantially the same, but change "holding elements" to --handling elements-- and the "means" feature eliminated
4	126	substantially the same, but "means" feature eliminated
5	127	substantially the same, but "means" feature eliminated and multiple dependency eliminated
6	128	substantially the same, but "means" feature eliminated and multiple dependency eliminated
7	129	substantially the same, but "means" feature eliminated
8	130	substantially the same, but "means" feature eliminated, and multiple dependency eliminated
9	131	substantially the same, but "means" feature eliminated, and multiple dependency eliminated
10	132	substantially the same, but "means" feature eliminated
11	133	substantially the same, but "means" feature eliminated, and multiple dependency eliminated
12	134	substantially the same, but "means" feature eliminated, and multiple dependency eliminated
13	135	substantially the same, but "means" feature eliminated
14	136	substantially the same, but "means" feature eliminated, and multiple dependency eliminated
15	137	substantially the same, but "means" feature eliminated, and multiple dependency eliminated
16	138	substantially the same, but "means" feature eliminated
17	139-140	substantially the same, but "means" feature eliminated, and multiple dependency eliminated
18	141	substantially the same, but change "holding elements" to --handling elements-- and multiple dependency eliminated
19	142-143	substantially the same, but change "holding elements" to --handling elements-- and multiple dependency eliminated

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

Signature /Paul T. Bowen/	Date December 20, 2011
Name (Print/Typed) Paul T. Bowen	Registration Number 38,009

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

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

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of:	: DECISION ON REQUEST TO
Parrinello et al.	: PARTICIPATE IN THE PATENT
Application No. 13/331,791	: PROSECUTION HIGHWAY
Filed: December 20, 2011	: PROGRAM AND PETITION
Attorney Docket No. PTB-4017-142	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed on December 20, 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 Petitions Examiner Joan Olszewski at 571-272-7751.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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

PTO/SB/420 (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: 3449-1298PUS2	Application Number (if known):	Filing date: Herewith
First Named Inventor: Yu Ho WON		
Title: LIGHT EMITTING DEVICE PACKAGE		

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 James T. Eller, Jr.	Date DEC 20 2011
Name (Print/Typed) James T. Eller, Jr.	Registration Number 39538

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

☐ *Total of _____ forms are submitted.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
13/331,984	12/20/2011	Yu Ho WON	3449-1298PUS2	2325

2292 7590 01/26/2012
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2822	

NOTIFICATION DATE	DELIVERY MODE
01/26/2012	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

JAN 26 2012

In re Application of	:	
WON et al.	:	DECISION ON PETITION
Application No. 13/331,984	:	TO MAKE SPECIAL UNDER
Filed: December 20, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No.: 3449-1298PUS2	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed on December 20, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Colleen Dunn at 571-272-1170.

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

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 31 2012

OFFICE OF PETITIONS

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

In re Application of
YAMAGUCHI, et al
Application No.: 13/332,012
Filed: December 20, 2011
Attorney Docket No.: 390252US8CONT
For: METHOD, APPARATUS, AND COMPUTER PROGRAM FOR PROCESSING INFORMATION

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 20, 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 will be forwarded to Technology Center Art Unit 2447 for action on the merits commensurate with this decision, upon completion of pre-examination processing.

/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
www.uspto.gov

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

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Application of	**: DECISION ON REQUEST TO**
Ian BENNETT et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 13/333,249	**: PROSECUTION HIGHWAY**
Filed: December 21, 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: 28489/43677B	**: TO MAKE SPECIAL UNDER**
For: Landing Gear	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 21, 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 must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK IPO, note where the UK IPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the UK IPO application with similar claims and the UK IPO priority application;

(2) Applicant must submit a copy of:
The allowable/patentable claim(s) from the UK IPO application(s);

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

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

(5) Applicant must submit:

A copy of all of the office actions from each of the UK IPO application(s) containing the allowable/patentable claims that are the basis for the request or request that the USPTO obtain a copy from the UK IPO. If the USPTO is not able to obtain a copy of all of the office actions from the UK IPO, the applicant will be notified and requested to provide the necessary documents.

(6) Applicant must submit:

a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application); and
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application)

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

It is noted that applicant has filed a second Request for Participation in the PPH Pilot Program on February 13, 2012. This request is **MOOT** as the Request filed December 21, 2011 is currently granted.

Inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or to the undersigned at (571) 272-7099.

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

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 Buoci
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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Paper No.

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

MAILED
JAN 19 2012
OFFICE OF PETITIONS

In re Application of :
Masahiro Nakano, Kazuhiro Sato: DECISION ACCORDING STATUS
Mitsuhiro Suzuki and : UNDER 37 C.F.R. § 1.47(a)
Taketoshi Shimizu :
Application No. 13/333,567 :
Filed: December 21, 2011 :
Atty Docket No. **391443US8CONT** :

This is in response to the copy of declaration in prior application and papers on petition under § 1.47 from prior application submitted December 21, 2011 in the above-identified application. The declaration is signed by joint inventors Nakano, Sato and Suzuki on behalf of themselves and on behalf of non-signing inventor Shimizu. Applicants thereby request acceptance of the declaration from a prior application and of the 37 CFR 1.47(a) status of the prior application in this application.

The request is **GRANTED**.

The instant application is a continuation of prior application no. 12/441,721, filed March 18, 2009. In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in the prior application. A copy of the decision mailed on August 26, 2009, granting a petition to accord § 1.47 status to the prior application has been made of record in this application.

This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will not be published in the Official Gazette as notice regarding the filing of the prior application was given to the non-signing inventor.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Taketoshi Shimizu
3-4-3 Hazawaminami
Yokohama-shi
Kanagawa 221-0866
Japan

MAILED
JAN 19 2012
OFFICE OF PETITIONS

In re Application of :
Masahiro Nakano, Kazuhiro Sato:
Mitsuhiro Suzuki and : LETTER
Taketoshi Shimizu :
Application No. 13/333,567 :
Filed: December 21, 2011 :
Atty Docket No. **391443US8CONT** :

Dear Mr. Shimizu:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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

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

Seed Intellectual Property Law Group
PLLC
701 Fifth Avenue, Suite 5400
Seattle WA 98104

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Application of
IMAMURA et al.
Application No.: 13/333,805
Filed: December 21, 2011
Attorney Docket No.: 09544/LH
For: MOBILE STATION APPARATUS AND RANDOM ACCESS METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 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 JoAnne Burke at 571-272-4584.

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
Office of Petitions

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

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

Application No:	13334421	Filing date:	2011-12-22
First Named Inventor:	Wolfgang Sutter		
Title of the Invention:	ESCAPE ROUTE MARKING FOR AN AIRCRAFT AND METHOD FOR PRODUCING AN ESCAPE ROUTE MARKING		

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/EP2009/001416

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

I. List of Required Documents:

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

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

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

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

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

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

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

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

(continued)

Application No.:	13/334421
First Named Inventor:	Wolfgang Sutter

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

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

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

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	The claims are the same
2	2	The claims are the same
3	3	The claims are the same
4	4	The claims are the same
5	5	The claims are the same
6	6	The claims are the same
7	7	The claims are the same
8	8	The claims are the same
9	9	The claims are the same
10	10	The claims are the same
11	11	The claims are the same
12	12	The claims are the same
13	13	The claims are the same
14	14	The claims are the same

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

Signature /Lisa Ryan-Lindquist/	Date 2012-01-30
Name (Print/Typed) Lisa Ryan-Lindquist	Registration Number 43071

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VIDAS, ARRETT & STEINKRAUS, P.A.
Richard A. Arrett
SUITE 400, 6640 SHADY OAK ROAD
6640 Shady Oak Rd.
EDEN PRAIRIE, MN 55344

MAILED
APR 05 2012
OFFICE OF PETITIONS

In re Application of
Wolfgang Sutter
Application No.: 13/334,421
Filed: December 22, 2011
Attorney Docket No.: H01.2-14975-US02
For: ESCAPE ROUTE MARKING FOR AN AIRCRAFT AND METHOD FOR PRODUCING AN ESCAPE ROUTE MARKING

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

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

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

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

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

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Christian Haag	)
Confirmation No.: 8800	)
	)
Serial No.: 13/334813	)
	)
Filing Date: 12-22-2011	)
	)
Atty Docket No.: 254686-1 (US)	)

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

Statement Concerning the Basis for the Special Status

SIR:

The present application relates generally to wind turbines and, more particularly, to systems and methods for pitching rotor blades in wind turbines. (See [0001])

Wind power is considered one of the cleanest, most environmentally friendly energy sources presently available, and wind turbines have gained increased attention in this regard. A modern wind turbine typically includes a tower, generator, gearbox, nacelle, and one or more rotor blades. The rotor blades capture kinetic energy from wind using known foil principles and transmit the kinetic energy through rotational energy to turn a shaft coupling the rotor blades to a gearbox, or if a gearbox is not used, directly to the generator. The generator then converts the mechanical energy to electrical energy that may be deployed to a utility grid. (See [0002])

During operation of a wind turbine, each rotor blade is subject to deflection and/or twisting due to the aerodynamic wind loads acting on the blade, which

results in reaction loads transmitted through the blade. To control these loads and allow for maximum loading of the rotor blades to capture a maximum amount of wind energy without overloading and potentially damaging the rotor blades and other wind turbine components, the rotor blades may be pitched during operation. Pitching involves adjusting, such as rotating, a rotor blade about a pitch axis. Pitching of the rotor blade adjusts the loading that the rotor blade is subjected to during operation. (See [0003])

In many cases, each rotor blade of a wind turbine is pitched to an individual pitch angle, which may be different from the pitch angles of other rotor blades in the wind turbine. Further, these angles may be constantly or intermittently adjusted during operation. Such pitching operation for the rotor blades beneficially allows for frequent adjustment of the loading experienced by the rotor blades. (See [0004])

However, in emergency conditions, currently known pitching systems and methods may have various drawbacks. For example, in an emergency condition such as a power failure or communication breakdown, communication may be lost between a central controller for the wind turbine, which may control pitching of the rotor blades, and one or more individual rotor blades. Typically, in such an emergency condition, the rotor blades automatically, through various programming, follow a pitching profile to pitch to a feathered position. However, each rotor blade is programmed to follow the same profile, regardless of the individual pitch angle of the rotor blade when the emergency condition occurs. Thus, each rotor blade may follow the pitching profile without consideration of the pitch angle of the other rotor blades. This can lead to imbalances between the

rotor blades when an emergency condition occurs, which can cause substantial damage to the rotor blades, the hub, the main shaft and/or various other components of the wind turbine. (See [0005])

Accordingly, an improved system and method for pitching a rotor blade in a wind turbine would be welcomed in the technology. For example, a system and method that reduce the risk of imbalances between rotor blades in the case of an emergency condition would be desired. (See [0006])

In one embodiment, a method for pitching a rotor blade in a wind turbine is disclosed. The method includes collecting in an individual pitch controller for the rotor blade a pitch offset angle relative to a collective pitch angle. The method further includes determining a synchronized pitch offset angle. The method further includes, after an emergency condition occurs, pitching the rotor blade towards the synchronized pitch offset angle. (See [0008])

In another embodiment, a system for pitching a rotor blade in a wind turbine is disclosed. The system includes a hub, a rotor blade coupled to the hub, and a pitch adjustment mechanism configured to pitch the rotor blade to a pitch angle. The pitch angle includes a collective pitch angle and a pitch offset angle. The system further includes central controller in communication with the pitch adjustment mechanism, the central controller configured to cause the pitch adjustment mechanism to pitch the rotor blade. The method further includes an individual pitch controller in communication with the pitch adjustment mechanism and the central controller. The individual pitch controller is configured to collect the pitch offset angle and, after an emergency condition occurs, cause the pitch

adjustment mechanism to pitch the rotor blade towards the synchronized pitch offset angle. (See [0009])

Therefore, Applicant respectfully submits that Special Status is sought on the basis that the present invention

materially enhances the quality of the environment

materially contributes to the discovery or development of renewable energy resources

materially contributes to the more efficient utilization and conservation of energy resources

materially contributes to the reduction of greenhouse gas emissions

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

Respectfully submitted,

General Electric Company

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

Dated: January 5, 2012

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

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: 254686-1	Application Number (if known): 13/334813	Filing date: 12-22-2011
First Named Inventor: Christian Haag		
Title: SYSTEM AND METHOD FOR PITCHING A ROTOR BLADE IN A WIND TURBINE		

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

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

1. By filing this petition:

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

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

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

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

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

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

Signature /Allison W. Mages/	Date 1-5-2012
Name (Print/Typed) Allison W .Mages	Registration Number 57,275

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

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

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/334,813	12/22/2011	Christian Haag	254686/GEC-488	8800

87853 7590 01/23/2012
Dority & Manning, PA and General Electric Company
Post Office Box 1449
Greenville, SC 29602

EXAMINER

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
01/23/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dority & Manning, PA and General Electric Company
Post Office Box 1449
Greenville SC 29602

In re Application of	:	
HAAG, CHRISTIAN	:	DECISION ON PETITION
Application No. 13/334,813	:	TO MAKE SPECIAL UNDER
Filed: December 22, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 253012	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 5, 2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

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

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

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

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

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

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/335,151	12/22/2011	Waranush Jitpraphai	11-40133-USC	7494

7066 7590 01/06/2012
REED SMITH LLP
2500 ONE LIBERTY PLACE
1650 MARKET STREET
PHILADELPHIA, PA 19103

EXAMINER
YU, HONG

ART UNIT	PAPER NUMBER
1613	

NOTIFICATION DATE	DELIVERY MODE
01/06/2012	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):

phlipdocketing@reedsmith.com

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REED SMITH LLP
2500 ONE LIBERTY PLACE
1650 MARKET STREET
PHILADELPHIA PA 19103

In re Application of:
Jitpraphai et al.

Serial No.: 13/335,151

Filed: December 22, 2011

Docket: **11-40133-USC**

Title: **METHODS AND COMPOSITIONS FOR TREATING ACNE**

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

This is a decision on the petition of December 22, 2011, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral

election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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

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

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

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

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

6. Information Disclosure Statement (IDS):

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/335,151	12/22/2011	Waranush Jitpraphai	11-40133-USC	7494

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PHILADELPHIA, PA 19103

EXAMINER
YU, HONG

ART UNIT	PAPER NUMBER
1613	

NOTIFICATION DATE	DELIVERY MODE
03/06/2012	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.

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phlipdocketing@reedsmith.com

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2500 ONE LIBERTY PLACE
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PHILADELPHIA PA 19103

In re Application of:	:	
Jitpraphai et al.	:	
Serial No.: 13/335,151	:	DECISION ON PETITION TO
Filed: : December 22, 2011	:	MAKE SPECIAL FOR NEW
Docket: **11-40133-USC**	:	APPLICATION UNDER 37
Title: **METHODS AND COMPOSITIONS**	:	C.F.R. § 1.102 & M.P.E.P. §
FOR TREATING ACNE	:	708.02

This is a decision on the petition of December 22, 2011, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 42P38890	Application Number (if known):	Filing date:

First Named Inventor: Ryan D. Wells

Title: A Method, Apparatus, and System for Energy Efficiency and Energy Conservation Through Dynamic Management of Memory and Input/Output Subsystems

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 /William W. Schaal/	Date 12/22/2011
Name (Print/Typed) William W. Schaal	Registration Number 39018

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

☐ *Total of _____ forms are submitted.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/335,638	12/22/2011	Ryan D. Wells	42P38890	5494

45209 7590 02/06/2012
MISSION/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
02/06/2012	PAPER

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1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of :
WELLS, Ryan et al. :
Application No. 13/335,638 :
Filed: December 22, 2011 :
For: **METHOD, APPARATUS, AND SYSTEM FOR ENERGY EFFICIENCY AND ENERGY CONSERVATION THROUGH DYNAMIC MANAGEMENT OF MEMORY AND INPUT/OUTPUT SUBSYSTEMS**

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

The petition filed December 22, 2011 has been treated as a petition under 37 CFR 1.102 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

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

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

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

In the "Statement of Special Status," petitioner states that "the application describes an integrated circuit device, and electronic device and method for dynamically managing power and performance of memory and input/output (I/O) subsystems within an electronic device to achieve, *inter alia*, better energy efficiency." This brief statement is inadequate to "explain[ ] how the materiality standard is met." Since the "disclosure is not clear on its face that the claimed invention contributes under category (A) or (B)," applicant is required to provide a more detail "[explanation] of how the materiality standard is met." Furthermore, any request for reconsideration will be reviewed pursuant to Section II of the Pilot Program for Green Technologies as set forth in 74 Federal Register Notice 64666, which specifies that "materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor dies such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment."

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

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

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No.	:	13/335,638	Confirmation No.: 5494
Applicant	:	Ryan D. Wells	
Filed	:	2011-12-22	
TC/A.U.	:	Unknown	
Examiner	:	Unknown	
Docket No.	:	42P38890	
Customer No.	:	8791	

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

PETITION FOR RECONSIDERATION UNDER GREEN TECHNOLOGY PILOT PROGRAM DUE TO USPTO ERROR

Sir:

In response to a Petition to Make Special Under Green Technology Pilot Program dated February 6, 2012, please amend the above-identified application as follows:

Remarks begin on page 2 of this paper.

Authorization for Extension of Time, All Replies is provided on page 3 of this paper.

REMARKS

This Amendment is being filed in response to a PPH Dismissal mailed February 6, 2012. The Petition to Make Special Under the Green Technology Pilot Program was dismissed based on the USPTO's allegation that the Statement of Special Status was inadequate to explain "how the materiality standard is met." The Statement identified that the "application describes an integrated circuit device, and electronic device and method for dynamically managing power and performance of memory and input/output (I/O) subsystems within an electronic device to achieve, *inter alia*, better energy efficiency."

Herein, the petition is clear, on its face, that the claimed invention contributes under (B), namely the basis for seeking special status is that the claimed invention materially contributes to the more *efficient* utilization and conversation of *energy* resources. There is no absolute requirement to explain HOW this materiality standard is met. Hence, Applicants believe that the dismissal of the Petition is in error and respectfully requests re-consideration of the same.

Alternatively, in the event that USPTO requires modification of the Statement of Special Status, Applicants respectfully amendment the Statement of Special Status to the following:

> The application describes an integrated circuit device, electronic device and method for dynamically managing power and performance of memory and input/output (I/O) subsystems by analyzing heuristic information from one or more computing engines and, based on such analysis, altering performance of any of a variety of components to achieve efficient utilization and conversation of energy resources. An example of an alteration of performance may include, but is not limited or restricted to increasing bandwidth or number of channels utilized by an interconnect to which one or more computing engines are coupled.

Applicants respectfully request a granting of the Petition to Make Special Under the Green Technology Pilot Program with examination of the subject application at the Examiner's earliest opportunity.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: February 28, 2012

By /William W. Schaal/

William W. Schaal
Reg. No. 39,018
Tel.: (714) 557-3800 (Pacific Coast)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No.	:	13/335,638	Confirmation No.: 5494
Applicant	:	Ryan D. Wells	
Filed	:	2011-12-22	
TC/A.U.	:	Unknown	
Examiner	:	Unknown	
Docket No.	:	42P38890	
Customer No.	:	8791	

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

Authorization for Extension of Time, All Replies

Authorization is given to treat any concurrent or future reply, requiring a petition for an extension of time under 37 CFR §1.136(a) for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. If any other petition is necessary for consideration of this paper, it is hereby so petitioned. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: February 28, 2012

By /William W. Schaal/
William W. Schaal
Reg. No. 39,018
Tel.: (714) 557-3800 (Pacific Coast)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/335,638	12/22/2011	Ryan D. Wells	42P38890	5494

45209 7590 03/08/2012
MISSION/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
03/08/2012	PAPER

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1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	:	
Ryan D. Wells et al.	:	DECISION ON PETITION
Application No. 13/335,638	:	TO MAKE SPECIAL UNDER
Filed: December 22, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 42P38890	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 28, 2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010), 75 Federal Register Notice 69049 (November 10, 2010) and 76 Federal Register Notice 77979 (December 15, 2011).

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).

Best Available Copy

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: ABI-101	Application Number (if known): 13/336,053	Filing date: December 23, 2011

First Named Inventor: BANASIAK

Title: METHODS FOR INTEGRATED FAST PYROLYSIS PROCESSING OF BIOMASS

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: STATEMENT FOR GREEN TECHNOLOGY PILOT PROGRAM

Signature /Ryan P. O'Connor/	Date December 23, 2011
Name (Print/Typed) Ryan P. O'Connor	Registration Number 56693

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

☒ *Total of 1 forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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.
13/336,053	12/23/2011	Dennis S. BANASIAK	ABI-101	1088

62542 7590 02/01/2012
OConnor & Company
P.O. Box 580
Minnetrista, MN 55364-0580

EXAMINER
TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
1771	

NOTIFICATION DATE	DELIVERY MODE
02/01/2012	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):

RPO@oconnorcompanypllc.com
AEO@oconnorcompanypllc.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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OConnor & Company
P.O. Box 580
Minnetrista MN 55364-0580

2/1/12

In re Application of	:	
Banasiak et al.	:	DECISION ON PETITION
Application No. 13/336,053	:	TO MAKE SPECIAL UNDER
Filed: 12/23/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **ABI-101**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/23/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1771 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit Unknown

In re

Patent Application of

Alan Mond, et al.

Application No. _____

Filing Date: December 22, 2011

"COMPOUNDED DILUTION AND AIR CHARGING DEVICE"

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

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

The patent application filed herewith (Attorney Docket No. 081276-9535-US01) relates to a novel internal combustion engine that maximizes thermal efficiency to provide a significant (up to 30%) decrease in fuel consumption, while meeting future emissions standards, without compromising performance compared to state-of-the art engines. The benefits in fuel consumption and thermal efficiency are direct results of the claimed subject matter. The claimed invention is particularly suited for high efficiency gasoline light-duty vehicles, which currently dominate the domestic market. Therefore, accelerated examination has a significant benefit to the public, to ensure that the technology can be advanced to market-ready solutions as quickly as possible with an expectation of patent protection.

Respectfully submitted,

/jayson l. hongsermeier/

Jayson L. Hongsermeier
Reg. No. 61,929

Docket No. 081276-9535-US01
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, WI 53202
414.271.6560

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 081276-9535-US01	Application Number (if known):	Filing date: December 22, 2011

First Named Inventor: Alan Mond

Title: COMPOUNDED DILUTION AND AIR CHARGING DEVICE

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 /jayson l. hongsermeier/	Date December 22, 2011
Name (Print/Typed) Jayson L. Hongsermeier	Registration Number 61929

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

☐ *Total of _____ forms are submitted.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/336,220	12/23/2011	Alan Mond	081276-9535-US01	7596

34044 7590 01/23/2012
MICHAEL BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202

EXAMINER

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
01/23/2012	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):

mkeipdocket@michaelbest.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

MICHAEL BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202

In re Application of	:	
MOND, ALAN et. al.	:	DECISION ON PETITION
Application No. 13/336,220	:	TO MAKE SPECIAL UNDER
Filed: December 23, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. 081276-9535-US01	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 23, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

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

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

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

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

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: P38656	Application Number (if known):	Filing date: 2011-12-23

First Named Inventor: Sasanka Prabhala

Title: A METHOD, APPARATUS, AND SYSTEM FOR ENERGY EFFICIENCY AND ENERGY CONSERVATION INCLUDING DYNAMIC USER INTERFACE BASED ON VIEWING CONDITIONS

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: Specification, drawings, ADS

Signature /Douglas J. RYDER, Reg. No. 43,073/	Date 2011-12-23
Name (Print/Typed) Douglas J. Ryder	Registration Number 43,073

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

☐ *Total of 1 forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/336,514	12/23/2011	Sasanka Prabhala	P38656	1080

46147 7590 02/01/2012
Ryder, Lu, Mazzeo and Konieczny, LLC
C/O CPA Global
P. O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER

ART UNIT	PAPER NUMBER
1724	

MAIL DATE	DELIVERY MODE
02/01/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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2/1/12

Ryder, Lu, Mazzeo and Konieczny, LLC
C/O CPA Global
P. O. BOX 52050
MINNEAPOLIS MN 55402

In re Application of	:	
Prabhala	:	DECISION ON PETITION
Application No. 13/336,514	:	TO MAKE SPECIAL UNDER
Filed: 12/23/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **P38656**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/23/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1724 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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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

MAILED
JAN 25 2012
OFFICE OF PETITIONS

In re Application of:	:	
BUCHANAN, Thomas M.	:	DECISION ON PETITION
Application No.: 13/336,663	:	TO MAKE SPECIAL UNDER
Filing Date: December 23, 2011	:	37 CFR 1.102(c)(1)
Attorney Docket No.: TOMB138454	:	

This is a decision on the petition renewed under 37 CFR 1.102(c)(1), filed December 27, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from a registered practitioner certifying that he is in possession of evidence that the applicant, Thomas M. Buchanan, is 65 years of age or older as required under MPEP § 708.02. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at (571) 272-5338.

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

Brian W. Brown
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Michael S. Lebby	Attorney Docket No.:	TRANSLUC-P053B
Serial No.:	13/336,664	Group Art Unit:	Not yet known
Filed:	12/23/2011	Examiner:	Not yet known
Title:	**REO-Ge Multi-Junction Solar Cell**		

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

STATEMENT OF SPECIAL STATUS

ACCOMPANYING PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

I, Dennis Fernandez, declare as follows:

1. I am the managing partner with the firm of Fernandez & Associates LLP, P.O. Box D, Menlo Park, CA 94026.
2. I am registered to practice before the U.S. Patent and Trademark Office and my registration number is 34,160.
3. I am a listed patent attorney for the above-cited Patent Application that was filed with the U.S. Patent and Trademark Office.
4. I have analyzed information in the presently claimed invention filed on 02/03/2011.
5. In my opinion, the present application is entitled to Special Status under the Green Technology Pilot Program.
6. Based on my analysis, I determine that:

6a. Application U.S.13/336,664, a continuation of Application U.S. 13/020,766, discloses a semiconductor device structure for conversion of radiation, typically solar, wherein one or

more solar cells of unique composition operate so as to capture a larger portion of incident radiation. The inclusion of rare earth based thin films enables a standard thin film photovoltaic device, such as a solar cell, to improve its sunlight conversion efficiency by at least 10% above its nominal conversion efficiency. For silicon cells the equivalent of 17 mA/cm2 is lost due to transparency of silicon cells; a typical silicon solar cell generates about 35-40 mA/cm2. The use of multiple cells of differing band gaps is aimed at harvesting some of that to give a 2% absolute or 10% relative improvement in a conventional silicon solar cell. The instant invention enables a low cost silicon substrate of 200 or 300 mm diameter to be used to deposit a Si/Ge or Ge solar cell versus a 150 mm Ge substrate, as is the practice today. A silicon substrate provides a 60% reduction in cost, $40 versus $100 for germanium. The instant invention applies to all semiconductor based solar cells; a photovoltaic device may be silicon/germanium based or of III-V or II-VI materials.

6b. The use of rare-earth based materials to enable thin film, solar cells of germanium, silicon/germanium, III-V, and II-VI is disclosed. The wide spectral range of sunlight overlaps with a multitude of energy transitions in junctions of various semiconductor materials, thus enabling multiple cells of differing band gap to capture a higher percentage of incident radiation. The refractive index contrast of rare-earth materials with these various semiconductors enables a distributed Bragg reflector with more than 90% peak reflectivity.

6c. The instant invention meets the requirements as specified in the Federal Register/ Vol. 74, No. 234/ Tuesday, Dec. 8, 2009/Notices. The invention applies to classifications: Photovoltaic (USPC 136/243- 265) and Solar Cells (USPC 438/57, 82, 84, 85, 86, 90, 93, 94, 96, 97). The claims are directed to a single invention that materially contributes to the

development of renewable energy resources. By significantly increasing the radiation conversion efficiency of every thin film photovoltaic device for a modest increase in cost the cost per watt generated of rare-earth incorporated PV devices is lowered thus accelerating the market acceptance of these enhanced solar cell devices while at the same time reducing the quantity of devices required for a given amount of electricity production.

7. Applicant has presented compelling arguments demonstrating that the instant invention deserves special status and complies with the requirements for the Green Technology Pilot Program. Applicant respectfully requests inclusion in the Green Technology Pilot Program.

8. I declare further that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 to Title 18 of the United States Codes, and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: December 27, 2011

/Dennis S. Fernandez/
Dennis S. Fernandez, Esq.
Reg. No. 34,160

Address: **FERNANDEZ & ASSOCIATES, LLP**
Patent Attorneys
Customer No: **22877**

Phone: (650) 325-4999
Fax: (650) 325-1203
Email: *iploft@iploft.com*

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: TRANSLUC-P053B	Application Number (if known): 13/336,664	Filing date: 12/23/2011

First Named Inventor: Michael S. Lebby

Title: REO-Ge Multi-Junction Solar Cell

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 /Dennis S. Fernandez/	Date 12/27/2011
Name (Print/Typed) Dennis S. Fernandez	Registration Number 34,160

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 one forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/336,664	12/23/2011	Michael S. Lebby	TRANSLUC-P053B	9117

22877 7590 02/01/2012
FERNANDEZ & ASSOCIATES, LLP
1175 Osborn Avenue
Atherton, CA 94027

EXAMINER

ART UNIT	PAPER NUMBER
1728	

NOTIFICATION DATE	DELIVERY MODE
02/01/2012	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):

legalassistant@iploft.com
jmharris@iploft.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

2/1/12

FERNANDEZ & ASSOCIATES, LLP
1175 Osborn Avenue
Atherton CA 94027

In re Application of	:	
Lebby et al.	:	DECISION ON PETITION
Application No. 13/336,664	:	TO MAKE SPECIAL UNDER
Filed: 12/23/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **TRANSLUC-P053B**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/27/2011, 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 1728 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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

Application No:		Filing date:	December 23, 2011
First Named Inventor:	Xiaoming Zhao et al.		
Title of the Invention:	Mechanism for 3rd Generation Partnership Project Multiple Inter-Network Quality of Service Continuity		

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/US2009/047824

The international filing date of the corresponding PCT application(s) is/are: 6/18/2009

I. List of Required Documents:

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

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

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

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

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

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

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

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

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

(continued)

Application No.:	
First Named Inventor:	Xiaoming Zhao et al.

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

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

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

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
25	7	Claim 25 corresponds to claim 7 of PCT
26	8	Claim 26 corresponds to claim 8 of PCT
27	9	Claim 27 corresponds to claim 9 of PCT
28	10	Claim 28 corresponds to claim 10 of PCT
29	11	Claim 29 corresponds to claim 11 of PCT
30	12	Claim 30 corresponds to claim 12 of PCT
31	19	Claim 31 corresponds to claim 19 of PCT
32	20	Claim 32 corresponds to claim 20 of PCT
33	21	Claim 33 corresponds to claim 21 of PCT
34	22	Claim 34 corresponds to claim 22 of PCT
35	23	Claim 35 corresponds to claim 23 of PCT
36	24	Claim 36 corresponds to claim 24 of PCT

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

Signature /Rishi Gupta/	Date 2011-12-23
Name (Print/Typed) Rishi Gupta	Registration Number 64768

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Fish & Richardson PC
P.O.Box 1022
Minneapolis MN 55440

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of
ZHAO et al.
Application No.: 13/336,978
Filed: December 23, 2011
Attorney Docket No.: 29717-0005003
For: MECHANISM FOR 3RD GENERATION PARTNERSHIP PROJECT MULTIPLE INTER-NETWORK QUALITY OF SERVICE CONTINUITY

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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 Buczi
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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VANCE INTELLECTUAL PROPERTY, PC
5467 HILL TOP STREET
CROZET VA 22932-3167

MAILED
APR 04 2012
OFFICE OF PETITIONS

In re Application of	:	
Rao S. Bezwada	:	
Application No. 13/337,074	:	DECISION ON PETITION
Filed: December 24, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. BEZ-003-US-CNT1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 9, 2012, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by an attorney on behalf of inventor Rao S. Bezwada, attesting to his/her age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

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

This application will be referred to Technology Center 1621 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Applicant: Ilya Tsitron
1608 66 Street, Apt 2R, Brooklyn, NY 11204
917-805-5089
ilyatsitron@yahoo.com

For: Apparatus for generating electricity from wind power

Filed: 12/26/2011

Statement in Support of Accelerated Examination under Green Technology Pilot Program

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

12/26/2011

To Whom It May Concern:

This written statement is submitted in support of the above-listed application receiving expedited examination under the USPTO's Green Technology Pilot Program. The application claims technology that improves environmental quality; increases energy conservation; assists in the development of renewable energy resources; reduces greenhouse gas emissions and protects wildlife. It does so by producing electricity from clean wind energy with much greater efficiency, lower cost of constructing and servicing than all other currently existing wind energy generating technologies, making it economically feasible to produce energy from wind in places where it was previously impossible, therefore materially enhancing the quality of the environment by reducing dependency on fossil fuels and contributing to the reduction of greenhouse gas emissions. Furthermore, this environmentally friendly technology has no moving parts on its exterior, and can be made harmless to birds and other wild life; its light and rigid construction, that can work with wind flowing in any direction, can be made of any size and can be easily and safely installed on any surface or structure including roofs or walls of buildings, floating platforms or ships. Furthermore, this technology can be used to effectively generate more electricity from solar energy, and arranged on a floating platform can also be combined with wave power generating technology, therefore utilizing all three major forces of nature (wind, solar, and ocean waves), further confirming its "green technology" status. Its appeal, efficiency, cost, flexibility, and habitat-friendly design will allow any farmer, land owner, or other energy dependent entity of any scale to produce their own electricity while improving the environment. My form Petition to Make Special under the Pilot Program is attached hereto.

Respectfully Submitted,

Ilya Tsitron

Applicant: Ilya Tsitron
1608 66 Street, Apt 2R, Brooklyn, NY 11204
917-805-5089
ilyatsitron@yahoo.com

For: Apparatus for generating electricity from wind power

Filed: 12/26/2011

Statement in Support of Accelerated Examination under Green Technology Pilot Program

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

12/26/2011

To Whom It May Concern:

This written statement is submitted in support of the above-listed application receiving expedited examination under the USPTO's Green Technology Pilot Program. The application claims technology that improves environmental quality; increases energy conservation; assists in the development of renewable energy resources; reduces greenhouse gas emissions and protects wildlife. It does so by producing electricity from clean wind energy with much greater efficiency, lower cost of constructing and servicing than all other currently existing wind energy generating technologies, making it economically feasible to produce energy from wind in places where it was previously impossible, therefore materially enhancing the quality of the environment by reducing dependency on fossil fuels and contributing to the reduction of greenhouse gas emissions. Furthermore, this environmentally friendly technology has no moving parts on its exterior, and can be made harmless to birds and other wild life; its light and rigid construction, that can work with wind flowing in any direction, can be made of any size and can be easily and safely installed on any surface or structure including roofs or walls of buildings, floating platforms or ships. Furthermore, this technology can be used to effectively generate more electricity from solar energy, and arranged on a floating platform can also be combined with wave power generating technology, therefore utilizing all three major forces of nature (wind, solar, and ocean waves), further confirming its "green technology" status. Its appeal, efficiency, cost, flexibility, and habitat-friendly design will allow any farmer, land owner, or other energy dependent entity of any scale to produce their own electricity while improving the environment. My form Petition to Make Special under the Pilot Program is attached hereto.

Respectfully Submitted,

Ilya Tsitron

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known):	Filing date: 12/24/2011

First Named Inventor: Ilya Tsitron

Title: APPARATUS FOR GENERATING ELECTRICITY FROM WIND POWER

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 /Ilya Tsitron/	Date 12/26/2011
Name (Print/Typed) Ilya Tsitron	Registration Number

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

☐ *Total of 1 forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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.
13/337,157	12/26/2011	Ilya Tsitron		3485

102226 7590 02/01/2012
Ilya Tsitron
1608 66 Street, Aparment 2R
Brooklyn, NY 11204

EXAMINER

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
02/01/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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2/1/12

Ilya Tsitron
1608 66 Street, Aparment 2R
Brooklyn NY 11204

In re Application of	:	
Tsitron	:	DECISION ON PETITION
Application No. 13/337,157	:	TO MAKE SPECIAL UNDER
Filed: 12/26/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No.	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/26/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3654 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
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/337,267	12/26/2011	Stephen S. Boyle	JGO-006	4290

53014 7590 01/05/2012
Clause Eight Intell. Prop. Service
P.O Box 131270
Carlsbad, CA 92013

EXAMINER

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
01/05/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Clause Eight Intell. Prop. Service
P.O Box 131270
Carlsbad CA 92013

In re Application of:
BOYLE, STEPHEN S. et al
Serial No.: 13/221,235
Filed: December 26, 2011

Title: **METHOD AND SYSTEM FOR MOBILE CLUB OPT-IN**

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

This is a decision on the petition filed on December 26, 2011 requesting to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

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

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Wellington Chin, Quality Assurance Specialist, at (571) 272-3134.

/Wellington Chin/

Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
David J BUTLER

Application No. 13337279

Filed:

Attorney Docket No. 873-013-107

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

The petition is **GRANTED**.

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

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

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

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

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

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

Application Information

Application Number	13337279	Confirmation Number	6500	Filing Date	2011-12-26
Attorney Docket Number (optional)	873-013-107	Art Unit		Examiner	
First Named Inventor	BUTLER, DAVID J.				
Title of Invention	HEALTH AND SAFETY SYSTEM FOR A TABLE SAW				

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
DAVID	J.	BUTLER	

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	/MILTON OLIVER/	Date (YYYY-MM-DD)	2011-12-26
Name	MILTON OLIVER	Registration Number	28333

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

IN THE UNITED STATES PATENT OFFICE

Title: **APPARATUS AND PROCESS FOR DESALINATION OF BRACKISH WATER USING PRESSURE RETARDED OSMOSIS**

Inventor: **Saad A. Al-Jlil**

Filing Date: December 27, 2011 Application number: 13338071

Attorney docket number- RIPLLC007.008CIP1

PETITION TO MAKE SPECIAL

To,

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia, 22313-1450

Sir/Madam:

REQUEST FOR EXPEDITIOUS AND URGENT EXAMINATION OF SUBMITTED APPLICATION ON THE BASIS THAT INVENTION MATERIALLY ENHANCES THE QUALITY OF THE ENVIRONMENT OF MANKIND BY CONTRIBUTING TO THE RESTORATION OF THE BASIC LIFE SUSTAINING NATURAL ELEMENTS SUCH AS WATER AND SOIL.

The applicant of the instant application hereby requests that this application be made special pursuant to MPEP 708.02, under 37 CFR 1.102. Advancement of examination V. ENVIRONMENTAL QUALITY section. The instant application materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements, i.e., water, and soil. This procedure allows the user to reuse water by decontaminating waste water and prevent soil contamination.

The urgent and expeditious examination of instant U.S. Patent Application will help the inventor to continue to innovate, develop and reuse brackish water and provide drinkable water using very low energy and efficient industrial scale production. The method is a cost effective method to purify and reuse available water and hence conserve water. The brackish water is usually not consumable by human and reverse osmosis process is very expensive. By desalinating the water using the current invention one can provide clean, usable water for human consumption. As such, this petition to make special for expedited examination is being made to the USPTO.

The client agrees to elect over the phone without traverse if restriction may be deemed necessary by the Examiner.

CONCLUSION

For the above mentioned reasons, applicants respectfully requests that this application be granted special status pursuant to MPEP rule 708.02 subsection V, as the claimed technology directly and relevantly is directed toward materially enhancing the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements, i.e., water.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: Geeta Kadambi
Registration Number: 64446
Address: 43526 Gallegos Avenue
Fremont, CA, 94539

Sign: /Geeta Kadambi/

Date: December 27th, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/338,071	12/27/2011	Saad A. Al-Jlil	RIPLLC007.008CIP1	1094

97207 7590 02/01/2012
Geeta Kadambi
Riddhi IP LLC
43526 Gallegos Avenue
Fremont, CA 94539

EXAMINER

ART UNIT	PAPER NUMBER
1777	

NOTIFICATION DATE	DELIVERY MODE
02/01/2012	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):

geeta@riddhiip.com
docketing@facetsip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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2/1/12

Geeta Kadambi
Riddhi IP LLC
43526 Gallegos Avenue
Fremont CA 94539

In re Application of	:	
Al-Jlil	:	DECISION ON PETITION
Application No. 13/338,071	:	TO MAKE SPECIAL UNDER
Filed: 12/27/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **RIPLLC007.008CIP1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/27/2011, 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 1777 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: SGI1220-2	Application Number (if known):	Filing date: December 28, 2011
First Named Inventor: Paul Gordon ROESSLER		
Title: PRODUCTION OF BRANCHED-CHAIN ALCOHOLS BY PHOTOSYNTHETIC MICROORGANISMS		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Statement of Special Status

Signature Mitch J. Gil Reg. No. 53,021	Date December 28, 2011
Name (Print/Typed) For Lisa A. Haile, J.D., Ph.D.	Registration Number 38,347

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

☐ *Total of _____ forms are submitted.

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

PATENT
Attorney Docket No.: SGI1220-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Roessler et al.	Art Unit:	Not Yet Assigned
Application No.:	Not Yet Assigned	Examiner:	Not Yet Assigned
Filed:	December 28, 2011	Conf. No.	Not Yet Assigned
Title:	PRODUCTION OF BRANCHED-CHAIN ALCOHOLS BY PHOTOSYNTHETIC MICROORGANISMS		

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

STATEMENT OF SPECIAL STATUS – ELIGIBILITY REQUIREMENT

Sir:

The claimed invention qualifies under Article III of the Federal Register Notice as it contributes to the development of renewable energy resources. The claims are directed to a production of biofuel by genetically engineered organisms. Specifically, the present invention provides genes, polypeptides and expression constructs therefor, recombinant photosynthetic microorganisms and methods of use thereof for the production of branched-chain alcohols (including 2-methyl-1-butanol, 3-methyl-1-butanol and isobutanol) and derivatives thereof for a variety of uses.

The claims submitted in this application consist of twenty or fewer total claims and three or fewer independent claims. Applicants submit that this claim set complies with the claims requirements for the Petition to Make Special under the Green Technology Pilot Program.

Consequently, Applicants respectfully request grant of this Petition under the Green Technology Pilot Program.

The fees for this green petition filing total $300.00, which consist of $300.00 for the publication fee as required by 37 CFR § 1.219 and 37 CFR § 1.18(d). The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 07-1896.

Respectfully submitted,

Date: December 28, 2011

Matthew J. Gil Reg. No. 53,021

for Lisa A. Haile, J.D., Ph.D.
Reg. No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

USPTO Customer No. 95432
Synthetic Genomics, Inc.
c/o DLA Piper LLP (US)
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133

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.
13/338,579	12/28/2011	Paul Gordon Roessler	SGI1220-2	2466

95432 7590 02/13/2012
Synthetic Genomics, Inc.
c/o DLA Piper LLP (US)
4365 Executive Drive
Suite 1100
San Diego, CA 92121-2133

EXAMINER
KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
02/13/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 13 2012

Synthetic Genomics, Inc.
c/o DLA Piper LLP (US)
4365 Executive Drive
Suite 1100
San Diego CA 92121-2133

In re Application of	:	
ROESSLER, Paul *et al.*	:	DECISION ON PETITION
Application No. 13/338579	:	TO MAKE SPECIAL UNDER
Filed: December 28, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. SGI1220-2	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 28, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1656 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: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: Steinberg-1	Application Number (if known):	Filing date:

First Named Inventor: Joel Steinberg

Title: Portable Ice Melting Device

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: Specification/ Drawings/ ADS/ Declaration/POA/Statement

Signature	Date 12/28/11
Name (Print/Typed) Joel Steinberg	Registration Number

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

☐ *Total of _____ forms are submitted.

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

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/339,500	12/29/2011	Joel STEINBERG	STEINBERG - 1	7175

25889 7590 02/01/2012
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
02/01/2012	PAPER

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

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

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
STEINBERG, JOEL	:	DECISION ON PETITION
Application No. 13/339,500	:	TO MAKE SPECIAL UNDER
Filed: Dec. 29, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. STEINBERG-1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 29, 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).

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

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

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

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

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technology. This is not convincing. It is not clear how the claimed hot air heater to melt ice will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. There is no connection between the claimed hot air blower and the green technology. Claims read on a conventional hair dryer.

Telephone inquires concerning this decision should be directed to Tu Hoang at 571-272-4780. This application will be forwarded to the Technology Center Art Unit 3742 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: MBHB 11-896-US	Application Number (if known): N/A	Filing date: 12/29/2011

First Named Inventor: Pradeep S. Shenoy

Title: SYSTEM AND METHOD FOR OPTIMIZING SOLAR POWER CONVERSION

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 /Kader S. Gacem/	Date 12/29/2011
Name (Print/Typed) Kader S. Gacem	Registration Number 52,474

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

☐ *Total of 1 forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/340,076	12/29/2011	PRADEEP SHENOY	11-896-US	1834

20306 7590 01/26/2012
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER	
ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
01/26/2012	PAPER

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

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

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300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

JAN 26 2012

In re Application of	:	
SHENOY et al.	:	DECISION ON PETITION
Application No. 13/340,076	:	TO MAKE SPECIAL UNDER
Filed: December 29, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No.: 11-896-US	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed on December 29, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Colleen Dunn at 571-272-1170.

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

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

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

MAILED
JAN 3 1 2012
OFFICE OF PETITIONS

In re Application of:	:	
DEUTSCH, Israel	:	DECISION ON PETITION
Application No.: 13/342,125	:	TO MAKE SPECIAL UNDER
Filing Date: January 2, 2011	:	37 CFR 1.102(c)(1)
Attorney Docket No.: 52712	:	

This is a decision on the petition renewed under 37 CFR 1.102(c)(1), filed January 2, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from a registered practitioner certifying that he is in possession of evidence that the applicant, Israel Deutsch, is 65 years of age or older as required under MPEP § 708.02. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at (571) 272-5338.

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

Brian W. Brown
Petitions Examiner
Office of Petitions

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TREGO, HINES & LADENHEIM, PLLC
9300 HARRIS CORNERS PARKWAY
SUITE 210
CHARLOTTE NC 28269-3797

In re Application of: Kellar et al. Application No.: 13/342584 Filed: January 3, 2012 Title: PROSTHETIC JOINT ASSEMBLY AND JOINT MEMBER THEREFOR	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on January 3, 2012 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

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

REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, 6.1- 6.6 above are considered to have been met. However, the petition fails to comply with conditions II : 5.1 and 5.2 above. Therefore, the petition fails to

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

Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the PTO/SB/28 form, the "pre-examination search document" including pages 1-15; the "accelerated examination support document" comprising pages 1-88, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 623 subclasses 16.11, 17.11-17.15, 18.11, 21.13, 21.16, 21.17, 23.11, 23.12, 23.39-23.43, 23.53, and 23.56.

Petitioner is reminded that should any better prior art be found in the new search, an updated AESD is required.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.

/Linda J. Sholl/
Linda J. Sholl
Special Programs Examiner
Technology Center 3700

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Alfred F. Hoyte, Esq.
7734 16th Street NW
Washington DC 20012

APR 0 4 2012

In re Application of: Rebecca A. Dow Application No.: 13/346670 Filed: January 9, 2012 Title: THERMAL WRAP ARRANGEMENT FOR APPLYING HEAT/COLD TO THE MANDIBULAR REGION OF THE HEAD	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on January 9, 2012 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

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

REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, 6.1, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II : 5.1, 5.2, 6.2, 6.3, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the PTO/SB/28 form, the "pre-examination search document" including pages 1-4; the "accelerated examination support document" comprising pages 1-5, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 607 subclasses 108.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

In the instant petition, petitioner does not address each limitation and where it is (or state that it is not) found in each closest prior art. By not addressing all limitations, it is not clear whether a limitation was overlooked in the discussion of the reference or not found in the reference.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, the detailed explanation of patentability indicates that clause c of claim 1 is not disclosed, however, Franzitch is indicated as showing this feature. It appears petitioner intended to refer to clause d. Additionally, not all of the dependent claims have been addressed with regard to patentability.
A statement that the dependent claims are allowable because the independent claims are patentable is not sufficient. This does not provide guidance to the examiner as to whether the limitations could provide patentability should the examiner find the independent claims unpatentable.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where <u>each limitation</u> of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists. In the instant petition, no reference has been made as to where the claim limitations are disclosed in the written description of the specification. This must include the limitations of the dependent claims also. This disclosure must be made claim limitation by claim limitation rather than a general referral to the claim. Additionally, a showing of support under 35 U.S.C. 112, first paragraph, in the written description of the specification has not been properly made for the priority documents 12/003495 and 11/444390 as required. This showing must indicate whether or not a claim limitation is supported.

DECISION

For the above-stated reasons, the petition is **<u>dismissed</u>**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be

considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Quality Assurance Specialist, at (571) 272-4391.

/Linda Sholl/
Linda Sholl
Quality Assurance Specialist
Technology Center 3700

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JENSKI PATENT LAW LLC
ATTN: RAYMOND JENSKI
2880 NW ROLLING GREEN DR.
CORVALLIS OR 97330

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Leonard Forbes	:	
Application No. 13/373,074	:	DECISION ON PETITION
Filed: November 3, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. P10155T04	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The instant petition includes a statement from inventor Leonard Forbes stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to the Technology Center Art Unit 2823 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	13373206
Filing Date	08-Nov-2011
First Named Inventor	Ohanes Ghazarian
Art Unit	3662
Examiner Name	
Attorney Docket Number	
Title	Intersection vehicle collision avoidance system

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 102472

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

10.40(c)(5)

Certifications

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

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

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

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

Name	Ohanes D. Ghazarian
Address	2575 W. Horizon Ridge Pkwy. #1611
City	Henderson
State	NV
Postal Code	89052
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Arthur P. Tan/
Name	Arthur P. Tan
Registration Number	60683

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Commissioner for Patents
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Alexandria, VA 22313-1450
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Decision Date : February 16, 2012

In re Application of :

Ohanes Ghazarian

Application No : 13373206

Filed : 08-Nov-2011

Attorney Docket No :

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 16, 2012

The request is **APPROVED.**

The request was signed by Arthur P. Tan (registration no. 60683) on behalf of all attorneys/agents associated with Customer Number 102472 . All attorneys/agents associated with Cusotmer Number 102472 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	Ohanes D. Ghazarian
Name2	
Address 1	2575 W. Horizon Ridge Pkwy. #1611
Address 2	
City	Henderson
State	NV
Postal Code	89052
Country	US

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

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

Office of Petitions

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LHTAYLOR ASSOCIATES INC.
LAWNIE TAYLOR, PRES.
14421 BROOKMEAD DRIVE
GERMANTOWN MD 20874

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In re Application of

Lawnie Henderson Taylor
Application No. 13/373,399
Filed: November 14, 2011
Attorney Docket No.

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 14, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from inventor Lawnie Henderson Taylor stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to the Technology Center Art Unit 1761 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Stevens & Showalter, LLP
7019 Corporate Way
Dayton OH 45459-4238

MAILED
DEC 02 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
CHU et al.	:	
U.S. App. No. 13/375,062	:	DECISION ON PETITION
PCT No.: PCT/IB2009/052041	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 15 May 2009	:	
Priority Date: None	:	
Attorney Docket: LEO 039 PA	:	
For: SEMICONDUCTOR DEVICE COMPRISING A METAL SYSTEM INCLUDING A SEPARATE INDUCTOR METAL LAYER	:	

The petition to revive under 37 CFR 1.137(b) filed 29 November 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 PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

HUSCH BLACKWELL LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of
LEE, et al
Application No.: 13/375,073
Filed: November 29, 2011
Attorney Docket No.: 502167.23
For: METHOD AND TERMINAL FOR PROVIDING DIFFERENT IMAGE INFORMATION IN ACCORDANCE WITH THE ANGLE OF A TERMINAL, AND COMPUTER-READABLE RECORDING MEDIUM

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

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

The request and petition are **DISMISSED**.

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);

Requirements (1) and (3, 4), and (6) above is considered to have been met. However the request to participate in the PPH program fails to meet requirements (2) and (5).

Regarding requirement (2), applicant has failed to submit an English translation of the allowed/patentable claims from the KR application(s) and a statement that the translation of the claim(s) is accurate.

Regarding requirement (5), applicant has not submitted a translation of the KIPO office action(s) and a translation statement.

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 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://uspto.gov/ebc/index.html.

/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
www.uspto.gov

HUSCH BLACKWELL LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of
LEE, et al
Application No.: 13/375,073
Filed: November 29, 2011
Attorney Docket No.: 502167.23
For: METHOD AND TERMINAL FOR PROVIDING DIFFERENT IMAGE INFORMATION IN ACCORDANCE WITH THE ANGLE OF A TERMINAL, AND COMPUTER-READABLE RECORDING MEDIUM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 29, 2011, and renewed on February 20, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

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

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 2628 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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BARNES & THORNBURG, LLP
P.O. Box 2786
CHICAGO, IL 60690-2786

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of	: DECISION ON REQUEST TO
Edwin Francis Tattam	: PARTICIPATE IN THE PATENT
Application No.: 13/375,151	: PROSECUTION HIGHWAY
Filed: November 29, 2011	: PROGRAM AND PETITION
Attorney Docket No.: 55966-116072	: TO MAKE SPECIAL UNDER
For: TEMPERATURE CONTROL	: 37 CFR 1.102(a)
SYSTEM	:

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed January 11, 2012.

The request and petition are **DISMISSED**.

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

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

(2) Applicant must submit a copy of:
The allowable/patentable claim(s) from the UK IPO application(s);

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

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

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of all Office actions which are relevant to patentability from each of the UK IPO applications containing the allowable/patentable claims and
   ii. a copy of all Office actions which are relevant to patentability from each of the UK IPO applications containing the allowable/patentable claims issued after the grant of the request for participation in the PPH pilot program
b. An English language translation of the UK IPO Office action from (5)(a)(i)-(ii) above 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 UK IPO examiner in the UK IPO office action (unless already submitted in this application); and
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application)

Conditions (2-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (1). In this regard, petitioner must explain the relationship between the above-identified application and Application No. GB 1009015.7, as required in (1) above.

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 the undersigned at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: SUN.LGI.333	Application Number (if known): 13/375,172	Filing date: November 29, 2011

First Named Inventor: Dong Keun Lee

Title: Solar Battery and Method for Manufacturing the Same

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements 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 November 30, 2011
Name (Print/Typed) JEFF LLOYD	Registration Number 35,589

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

☐ *Total of _____ forms are submitted.

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

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.
13/375,172	11/29/2011	Dong Keun Lee	SUN.LGI.333	3334

23557 7590 02/01/2012
SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

EXAMINER

ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
02/01/2012	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):

euspto@slepatents.com

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SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

2/1/12

In re Application of	:	
Lee	:	DECISION ON PETITION
Application No. 13/375,172	:	TO MAKE SPECIAL UNDER
Filed: 11/29/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **SUN.LGI.333**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/30/2011, 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

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: SUN.LGI.334	Application Number (if known): 13/375,178	Filing date: November 29, 2011

First Named Inventor: Myoung Seok Sung

Title: Solar Cell Apparatus and Method of Manufacturing the Same

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements 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 November 30, 2011
Name (Print/Typed) Jeff Lloyd	Registration Number 35,589

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

☐ *Total of _____ forms are submitted.

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

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.
13/375,178	11/29/2011	Myoung Seok Sung	SUN.LGI.334	3744

23557 7590 02/01/2012
SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

EXAMINER

ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
02/01/2012	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):

euspto@slepatents.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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2/1/12

SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

In re Application of	:	
Sung	:	DECISION ON PETITION
Application No. 13/375,178	:	TO MAKE SPECIAL UNDER
Filed: 11/29/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. **SUN.LGI.334**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/30/2011, 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

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HUSCH BLACKWELL LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of
LEE, et al
Application No.: 13/375,215
Filed: November 29, 2011
Attorney Docket No.: 502167.24
For: METHOD, TERMINAL AND COMPUTER-READABLE RECORDING MEDIUM FOR PERFORMING VISUAL SEARCH BASED ON MOVEMENT OR POSITION OF TERMINAL

: 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 29, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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);

Requirements (1) and (3, 4), and (6) above is considered to have been met. However the request to participate in the PPH program fails to meet requirements (2) and (5).

Regarding requirement (2), applicant has failed to submit an English translation of the allowed/patentable claims from the KR application(s) and a statement that the translation of the claim(s) is accurate.

Regarding requirement (5), applicant has not submitted a translation of the KIPO office action(s) and a translation statement.

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.

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 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://uspto.gov/ebc/index.html.

/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
www.uspto.gov

HUSCH BLACKWELL LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105

MAILED
MAR 01 2012
OFFICE OF PETITIONS

In re Application of
LEE, et al
Application No.: 13/375,215
Filed: November 29, 2011
Attorney Docket No.: 502167.24
For: METHOD, TERMINAL AND COMPUTER-READABLE RECORDING MEDIUM FOR PERFORMING VISUAL SEARCH BASED ON MOVEMENT OR POSITION OF TERMINAL

: 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 29, 2011, and renewed on February 20, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

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

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 2628 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

FEB 01 2012

OFFICE OF PETITIONS

In re Application of
KIM, et al
Application No.: 13/375,216
Filed: November 29, 2011
Attorney Docket No.: 502167.25
For: METHOD AND SYSTEM FOR MATCHING PANORAMIC IMAGES USING A GRAPH STRUCTURE, AND COMPUTER-READABLE RECORDING MEDIUM

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

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

The request and petition are **DISMISSED**.

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);

Requirements (1) and (3-6) above is considered to have been met. However the request to participate in the PPH program fails to meet requirement (2).

Regarding requirement (2), applicant has failed to submit a statement that the translation of the claims is accurate.

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

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

Telephone inquiries concerning this decision should be directed 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://uspto.gov/ebc/index.html.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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HUSCH BLACKWELL LLP
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ST. LOUIS MO 63105

MAILED
MAR 01 2012
OFFICE OF PETITIONS

In re Application of
KIM, et al
Application No.: 13/375,216
Filed: November 29, 2011
Attorney Docket No.: 502167.25
For: METHOD AND SYSTEM FOR MATCHING PANORAMIC IMAGES USING A GRAPH STRUCTURE, AND COMPUTER-READABLE RECORDING MEDIUM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 29, 2011, and renewed on February 20, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

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

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 2624 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of
KIM, et al
Application No.: 13/375,219
Filed: November 29, 2011
Attorney Docket No.: 502167.26
For: METHOD AND SYSTEM FOR REMOVING REDUNDANCY FROM AMONG PANORAMIC IMAGES, AND COMPUTER-READABLE RECORDING MEDIUM

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

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

The request and petition are **DISMISSED**.

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);

Requirements (1) and (3, 4), and (6) above is considered to have been met. However the request to participate in the PPH program fails to meet requirements (2) and (5).

Regarding requirement (2), applicant has failed to submit an English translation of the allowed/patentable claims from KR application(s) and a statement that the translation of the claims is accurate.

Regarding requirement (5), applicant has not submitted a translation of the KIPO office action(s) and a translation statement.

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 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://uspto.gov/ebc/index.html.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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HUSCH BLACKWELL LLP
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ST. LOUIS MO 63105

MAILED
MAR 01 2012
OFFICE OF PETITIONS

In re Application of
KIM, et al
Application No.: 13/375,219
Filed: November 29, 2011
Attorney Docket No.: 502167.26
For: METHOD AND SYSTEM FOR REMOVING REDUNDANCY FROM AMONG PANORAMIC IMAGES, AND COMPUTER-READABLE RECORDING MEDIUM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 29, 2011, and renewed February 20, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

Inquiries concerning this decision should be directed to 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 2486 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Patent
Attorney Docket No. 1034290-000067

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	Group Art Unit: Unassigned
	)	
Masahiro HAGIMOTO et al.	)	Confirmation No.: Unassigned
	)	
Application No.: Unassigned	)	
	)	
Filed: November 30, 2011	)	
	)	
For: CAPACITANCE DETECTION APPARATUS	)	

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY PROGRAM BETWEEN THE USPTO AND THE JPO BASED ON PCT WORK PRODUCT

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

Sir:

In accordance with the U.S. Patent and Trademark Office Notice signed on January 23, 2010 setting forth the Patent Prosecution Highway Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products (hereinafter "Notice"), submitted with this paper is a Request for Participation in the PCT-PPH Pilot Program between the JPO and the USPTO (hereinafter "Request"). By way of the accompanying Request, Applicant requests participation in the PCT-PPH Program and petitions to make this application special under the PCT-PPH program.

This application is the U.S. national stage application of International Application No. PCT/JP2010/060974 (hereinafter "corresponding international application"). Accordingly, the relationship between this U.S. application for which participation in the PCT-PPH pilot program is requested, and the corresponding international application, satisfies requirement B(1)(a) illustrated in the Notice.

Applicant has therefore fully complied with the requirement of identifying the relationship between this U.S. application and the PCT application.

The latest work product of the Japan Patent Office (JPO) in the corresponding international application, namely the Written Opinion of the International Searching Authority (hereinafter "Written Opinion"), states that all of the claims in the corresponding international application satisfy the requirements of novelty, inventive step, and industrial applicability. A copy of the Written Opinion constituting the latest work product of the Japan Patent Office (JPO) in the corresponding international application is submitted with this paper, together with an English language translation of the Written Opinion.

Also submitted with this paper is a copy of the claims from the corresponding international application which the Written Opinion states satisfy the novelty, inventive step and industrial applicability requirements. An English language translation of the claims is also submitted.

The English language translation of the claims is accompanied by a statement that the English language translation is accurate.

Claims 1-5 in this U.S. national stage application are the same as Claims 1-5 respectively in the corresponding international application, except for elimination of multiple dependencies in Claims 3 and 5. Claims 6 and 7 in this U.S. national stage application correspond to Claims 3 and 5 respectively in the corresponding international application and account for the deleted dependencies in original Claims 3 and 5.

The accompanying Request includes a claims correspondence table indicating how the claims in this U.S. national stage application correspond to the claims in the corresponding international application.

The documents cited in the Written Opinion are listed in the First Information Disclosure Statement filed with this application, and copies of the listed documents, other than the U.S. patents and U.S. patent application publications, are provided.

The Director is hereby authorized to charge any other appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

If any questions arise concerning this matter, the undersigned attorney can be contacted at the telephone number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: November 30, 2011 By: Matthew L. Schneider

Matthew L. Schneider
Registration No. 32814

Customer No. 21839
703 836 6620

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.:	Unassigned	Filing date:	November 30, 2011
First Named Inventor:	Masahiro HAGIMOTO et al.		
Title of the Invention:	Capacitance Detection Apparatus		

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

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

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of the 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/JP2010/060974

The international date of the corresponding PCT application(s) is/are: June 28, 2010

I. List of Required Documents:

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

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

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

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

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

This collection of information is required by 35 U.S.C. 119, 37 CFR 1 55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	Unassigned
First Named Inventor:	Masahiro HAGIMOTO et al.

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

(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	U.S. Claim 1 is the same as PCT Claim 1.
2	2	U.S. Claim 2 is the same as PCT Claim 2.
3	3	U.S. Claim 3 is the same as PCT Claim 3 except for dependency.
4	4	U.S. Claim 4 is the same as PCT Claim 4.
5	5	U.S. Claim 5 is the same as PCT Claim 5 except for dependency.
6	3	U.S. Claim 6 is the same as PCT Claim 3 except for dependency.
7	5	U.S. Claim 7 is the same as PCT Claim 5 except for dependency.

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

Signature	Matthew L. Schneider	Date	November 30, 2011
Name (Print/Typed)	Matthew L. Schneider	Registration Number	32,814

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
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様

あて名
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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）	０３．０８．２０１０
出願人又は代理人 の書類記号　PCT110-028	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／ＪＰ２０１０／０６０９７４	（日.月.年）　２８．０６．２０１０	（日.月.年）　０９．０７．２００９

国際特許分類（ＩＰＣ）Int.Cl. G01R27/26(2006.01)i, H01H36/00(2006.01)i

出願人（氏名又は名称）
アイシン精機株式会社

受領日
2010. 8. -4
北村国際特許事務所

１．この見解書は次の内容を含む。
- ☑ 第Ｉ欄　見解の基礎
- ☐ 第II欄　優先権
- ☐ 第III欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第IV欄　発明の単一性の欠如
- ☑ 第Ｖ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第VI欄　ある種の引用文献
- ☐ 第VII欄　国際出願の不備
- ☐ 第VIII欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
２２．０７．２０１０

名称及びあて先	特許庁審査官（権限のある職員）	２Ｓ	３２０３
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	荒井　誠 電話番号　０３－３５８１－１１０１　内線　３２５８		

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２０１０／０６０９７４

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／ＪＰ２０１０／０６０９７４

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則 43 の 2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1.　見解

新規性（N）	請求項	1-5	有
	請求項		無
進歩性（ＩＳ）	請求項	1-5	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-5	有
	請求項		無

2.　文献及び説明

文献 1:JP 2005-106665 A（アイシン精機株式会社）2005.04.21, 全文, 全図
文献 2:JP 2008-108534 A（株式会社フジクラ）2008.05.08, 段落 0039-0041

請求項 1-5 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。
文献１には、スイッチ制御を行い、当該スイッチ制御のスイッチ操作の繰り返し回数に基づいて被測定容量の変化を判定することが記載されている。文献２には、被測定容量の静電容量の変化を検知することによって人体の接触を検出する装置において、水滴が付着した場合に誤動作することを防止する技術が記載されている。
しかしながら、いずれの文献にも、「第１充電時間」の異なる「第１スイッチング制御」と「第２スイッチング制御」を行うこと、及び、両スイッチング制御の「第２スイッチ操作の繰り返し回数」に基づいて「被測定容量の静電容量の変化が被検出対象となる事象に起因するものであるか否か判定すること」については記載がない。

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43 bis. 1)

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

☒	Box No. I	Basis 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 43bis.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 66.1bis(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.

Box No. I Basis of the opinion

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

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

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

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

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

a. (means)

☐ on paper

☐ in electronic form

b. (time)

☐ in the international application as filed

☐ together with the international application in electronic form

☐ subsequently to this Authority for the purposes of search

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

5. Additional comments:

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

1. Statement

Novelty(N)	Claims	1-5	YES
	Claims		NO
Intensive step(IS)	Claims	1-5	YES
	Claims		NO
Industrial applicability(IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations

Document 1: JP2005-106665A (AISIN SEIKI KABUSHIKI KAISHA) 2005. 04. 21:
entire written description, entire illustrations
Document 2: JP2008-108534 A (Fujikura Ltd.) 2008. 05. 08:
paragraphs 0039-0041

The subject matters relating to claim 1-5 are not disclosed in any of the documents cited in the International Search Report and would not have been obvious for one skilled in the art, either.

Document 1 discloses that a switching control process is executed and based upon the number of times of repetition of the switching operations in this switching control process, change in measured capacitance is determined. Document 2 discloses a technique for use with an apparatus for detecting a human body contact by detecting change in capacitance of measured capacitance, the technique being provided for preventing erroneous operation of the apparatus in the event of attachment of water drops thereto.

However, neither of the above documents disclose that the "first switching control process" and the "second switching control process" with different "first charging period" are executed and based upon the counted number of repetition times in the two switching control processes, "determination is made whether change in the capacitance in the measured capacitance is due to an event of detection interest or not".

Translator's Declaration

I, Takatoshi KOBAYASHI, hereby state that I am knowledgeable in the Japanese and English languages and that the attached document is, to the best of my knowledge and belief, a true and accurate English language translation of the claims in International Application No. PCT/JP2010/060974 which the Written Opinion states meet the novelty, inventive step and industrial applicability requirements.

October 26, 2011
Date

T. Kobayashi
Signature

請求の範囲

[請求項1]　一方端が第１の電位源に接続された基準容量の両端間に配置された第１スイッチと、

一方端が第２の電位源もしくは自由空間に接続された被測定容量の他方端と前記基準容量の他方端との間に配置された第２スイッチと、

前記被測定容量の両端間に配置された第３スイッチと、

前記第１スイッチを閉状態にしてから初期化時間経過後に開状態に戻す操作を第１スイッチ操作とし、前記第２スイッチを閉状態にしてから第１充電時間経過後に開状態に戻す操作を第２スイッチ操作とし、前記第３スイッチを閉状態にしてから第１放電時間経過後に開状態に戻す操作を第３スイッチ操作とし、

前記第１スイッチ操作を行った後、前記第２スイッチ操作と前記第３スイッチ操作とを交互に繰り返す制御を第１スイッチング制御とし、

前記第１スイッチ操作を行った後、前記第１充電時間とは異なる第２充電時間による前記第２スイッチ操作と第２放電時間による前記第３スイッチ操作とを交互に繰り返す制御を第２スイッチング制御として、

前記第１スイッチング制御と前記第２スイッチング制御とを交互に繰り返し実行するスイッチ制御部と、

前記第１スイッチング制御及び前記第２スイッチング制御によって前記基準容量の他方端の電位が前記第１スイッチ操作後の初期電位から所定の設定電位まで変化したか否かを判定する電位判定部と、

前記第１スイッチング制御及び前記第２スイッチング制御によって前記基準容量の他方端の電位が前記設定電位まで変化するまでの前記第２スイッチ操作の繰り返し回数をそれぞれカウントするカウ

ント部と、

前記第１スイッチング制御及び前記第２スイッチング制御の少なくとも一方においてカウントされた前記繰り返し回数に基づいて、前記被測定容量の静電容量値の変化の有無を判定すると共に、前記第１スイッチング制御における前記繰り返し回数と前記第２スイッチング制御における前記繰り返し回数とに基づいて前記被測定容量の静電容量値の変化が被検出対象となる事象に起因するものであるか否かを判定する出力判定部と、を備える静電容量検出装置。

[請求項2]　前記第１放電時間は前記第１充電時間以上の時間に設定され、前記第２放電時間は前記第２充電時間以上の時間に設定される請求項１に記載の静電容量検出装置。

[請求項3]　繰り返し実行される前記第１スイッチング制御と前記第２スイッチング制御とのそれぞれにおける前記第２スイッチ操作の繰り返し回数の前回との差を変化量として演算する変化量演算部を備え、

前記出力判定部は、前記第１スイッチング制御及び前記第２スイッチング制御の少なくとも一方の前記変化量に基づいて前記被測定容量の静電容量値の変化の有無を判定すると共に、前記第１スイッチング制御における前記変化量と前記第２スイッチング制御における前記変化量とに基づいて前記被測定容量の静電容量値の変化が被検出対象となる事象に起因するものであるか否かを判定する請求項１又は２に記載の静電容量検出装置。

[請求項4]　前記出力判定部は、前記第１充電時間と前記第２充電時間との内、短い充電時間により前記第２スイッチ操作が行われる方の前記変化量に基づいて前記被測定容量の静電容量値の変化の有無を判定する請求項３に記載の静電容量検出装置。

[請求項5]　前記出力判定部は、前記第１スイッチング制御における前記変化量と前記第２スイッチング制御における前記変化量との比又は差に基づいて前記被測定容量の静電容量値の変化が被検出対象となる事

象に起因するものであるか否かを判定する請求項３又は４に記載の静電容量検出装置。

Claims

[claim 1] A capacitance detection apparatus comprising:

a first switch disposed between opposed terminals of a reference capacitance, one of the opposed terminals of the reference capacitance being connected to a first potential source;

a second switch disposed between the other terminal of a measured capacitance and the other terminal of said reference capacitance, one terminal of terminal of said measured capacitance being connected to a second potential source or a free space;

a third switch disposed between the opposed terminals of said measured capacitance;

a first switch operation rendering said first switch to a closed state and then returning said first switch to an opened state upon lapse of an initialization period, a second switch operation rendering said second switch to a closed state and then returning said second switch to an opened state upon lapse of a first charging period, a third switch operation rendering said third switch to a closed state and then returning said third switch to an opened state upon lapse of a first discharging period;

a first switching control process executing said second switch operation and said third switch operation alternately after executing said first switch operation;

a second switching control process executing said first switch operation and then executing said second switch operation for a second charging period different from said first charging period and executing said third switch operation for a second discharging period, in alternation;

a switch controlling unit for alternately executing the first switching control process and the second switching control process;

a potential determining unit for determining whether the potential of the other terminal of said reference capacitance has changed to a predetermined set potential from an initial potential after said first switch operation, by said first switching control process and said second switching control process;

a counting unit for counting the number of times of repetition of said second switch operation executed until the potential of the other terminal of the reference capacitance changes to said set potential, in said first switching control process and said second switching control process; and

an output determining unit for determining presence/absence of change in capacitance of said measured capacitance, based upon the counted number of repetition times counted in at least one of said first switching control process and said second switching control process, said output determining unit determining also whether the change in the capacitance in the measured capacitance is due to an event of detection interest or not, based on the numbers of repetition times in said first switching control process and the number of repetition times in said second switching control process.

[claim2] The capacitance detection apparatus according to claim 1, wherein said first discharging period is set as a period longer than said first charging period and said second discharging period is set as a period longer than said second charging period.

[claim 3] The capacitance detection apparatus according to claim 1 or 2, wherein there is further provided a change amount calculating unit for calculating change amounts which are differences between the numbers of repetition times of the second switch operation executed respectively in two consecutively executed first control processes and in two consecutively executed second controls; and

said output determining unit determines the presence/absence of change in capacitance of said measured capacitance, based upon said change amount in at least one of said two consecutively executed first switching control processes and said two consecutively executed second switching control processes, said output determining unit determining also whether the change in the capacitance in the measured capacitance is due to an event of detection interest or not, based on said change amounts in the first switching control process and the change amount in the second switching control process.

[claim 4] The capacitance detection apparatus according to claim 3, wherein said output determining unit determines the presence/absence of change in the capacitance value of the measured capacitance based upon the change amount of the second switch operation which is executed with whichever shorter one of the first charging period or the second charging period.

[claim 5] The capacitance detection apparatus according to claim 3

or 4, wherein said output determining unit determines whether the change in the capacitance value of the measured capacitance is due to an event of detection interest or not, based on a ratio or a difference between the change amount in said first switching control process and the change amount in said second switching control process.

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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ALEXANDRIA VA 22313-1404

In re Application of
Masahiro Hagimoto, et al.
Application No.: 13/375,270
Filed: November 30, 2011
Attorney Docket No.: 1034290-000067
For: CAPACITANCE DETECTION 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 November 30, 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.

David Bucci
Petitions Examiner
Petitions Examiner

I hereby certify that this correspondence is being electronically filed in the United States Patent and Trademark Office on December 1, 2011.

Jeff Lloyd, Patent Attorney, Reg. No. 35,589

COMMUNICATION
Patent Application
Docket No. SUN.LGI.337
Serial No. 13/375,310

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Suk Jae Jee, Sung Bum Choi
Serial No.	:	13/375,310
Filed	:	November 30, 2011
Conf. No.	:	5159
For	:	Solar Cell and Method of Fabricating the Same

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

COMMUNICATION

Sir:

Applicants respectfully request participation in the Green Technology Pilot Program for the subject application. The Petition to Make Special Under the Green Technology Pilot Program, Form PTO/SB/420, is attached hereto. Applicants hereby request early publication of the subject application under 37 C.F.R. §1.219; the publication fee of $300, as set forth in 37 C.F.R. §1.18(d), is being electronically paid with the filing of the attached Petition.

The subject application includes three independent claims and 20 total claims. If the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), Applicants will make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements in section II or III of the notice entitled, "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

Applicants assert that the subject invention materially contributes to the development of renewable energy sources by providing improved solar cells and manufacturing methods thereof (as discussed at, for example; page 1, lines 19-20; page 2, lines 2-13; page 6, lines 3-7; page 8, line 21, through page 9, line 14; page 13, lines 10-15; page 19, lines 10-19; Figures 1-6; and

claims 1-20 of the English translation of the subject specification). Solar cells create electric energy from solar energy, and the development of solar cells will plainly contribute to the development of renewable energy sources, which is the first goal listed in item (3) of the Instruction Sheet for the Petition to Make Special Under the Green Technology Pilot Program.

Applicants respectfully assert that the subject application meets the qualifications of the Green Technology Pilot Program and that the attached Petition meets all the requirements of the Program.

Respectfully submitted,

Jeff Lloyd
Patent Attorney
Registration No. 35,589
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: Saliwanchik, Lloyd & Eisenschenk
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

JL/whs/lcf

Attachment: Form PTO/SB/420

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: SUN.LGI.337	Application Number (if known): 13/375,310	Filing date: November 30, 2011

First Named Inventor: Suk Jae Jee

Title: Solar Cell and Method of Fabricating the Same

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature	Date December 1, 2011
Name (Print/Typed) Jeff Lloyd	Registration Number 35,589

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

☐ *Total of _____ forms are submitted.

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

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.
13/375,310	11/30/2011	Suk Jae Jee	SUN.LGI.337	5159

23557 7590 01/06/2012
SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

EXAMINER

ART UNIT	PAPER NUMBER
2812	

NOTIFICATION DATE	DELIVERY MODE
01/06/2012	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):

euspto@slepatents.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE FL 32614

JAN 6 2012

In re Application of	:	
JEE et al.	:	DECISION ON PETITION
Application No. 13/375,310	:	TO MAKE SPECIAL UNDER
Filed: November 30, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. SUN.LGI.337	:	PILOT PROGRAM

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

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Colleen Dunn at 571-272-1170.

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

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

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

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of Sakakibara, et al. Application No. 13/375,341 Filed: November 30, 2011 Attorney Docket Number: 081356-0374	: : : : :	DECISION ON PETITION

This is in response to the petition under 37 CFR 1.84(a)(2), filed November 30, 2011, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

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

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that a color drawing for Figure 2 is 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 1733.

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

BURNS & LEVINSON, LLP
125 SUMMER STREET
BOSTON MA 02110

MAILED
FEB 29 2012
OFFICE OF PETITIONS

In re Application of
Faruk BURSAL
Application No.: 13/375,374
Filed: December 01, 2011
Attorney Docket No.: 6870-160

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 05, 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 Australia, Austria, China, EPO, Finland, JPO, Korea, Nordic Patent Institute, Russia, Spain, Sweden, or USPTO;

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

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

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Thurman K. Page
Petitions Examiner
Office of Petitions

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

JAN 05 2012

PCT LEGAL ADMINISTRATION

James Edward Ledbetter
Dickinson Wright PLLC
1875 Eye Street, NW, Suite 1200
Washington DC 20006

In re Application of
Ogawa et al.
Application No. 13/375,386
PCT No.: PCT/JP2010/004053
Int. Filing Date: 17 June 2010
Priority Date: 18 June 2009
Atty. Docket No.: 009289-11182
For: Wireless Transmission Apparatus And Transmission Power Control Method

DECISION

This is in response to the declaration of the inventors filed on 30 November 2011, which is being addressed under 37 CFR 1.42.

BACKGROUND

This international application was filed on 17 June 2010, claimed an earliest priority date of 18 June 2009, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 23 December 2010. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 December 2011 (since 18 December 2011 was a Sunday). Applicants filed *inter alia* the basic national fee on 30 November 2011.

DISCUSSION

Review of the declaration filed on 30 November 2011 reveals that it has been signed on behalf of deceased inventor Kenichi MIYOSHI by Megumi Ichikawa in the capacity of "legal representative." 37 CFR 1.42 provides in part that

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

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

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

Examination of the declaration reveals that it provides citizenship, residence and mailing address data for the deceased inventor, and also for the legal representative. The declaration is accepted under 37 CFR 1.42, for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration filed on 30 November 2011 is **ACCEPTED** under 37 CFR 1.42.

This application is being returned to the Office of Patent Application Processing for continued processing.

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

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
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:	13375406	Filing date:	2011-11-30
First Named Inventor:	James Melvin Slicker		
Title of the Invention:	MEMS SWITCH WITH LATCH MECHANISM		

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/US2010/037618

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

April 7, 2010

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

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

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

(continued)

Application No.:	
First Named Inventor:	

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on November 30, 2011

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on November 30, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical
2-16		Added dependent claims depending from Claim 1

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

Signature /John P. Guenther/	Date January 13, 2012
Name (Print/Typed) John P. Guenther	Registration Number 39698

Privacy Act Statement

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

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

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

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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DYKEMA GOSSETT, PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS, MI 48304-5086

MAILED

FEB 21 2012

OFFICE OF PETITIONS

In re Application of	:
James Melvin Slicker, et. al.	: DECISION ON REQUEST TO
Application No.: 13/375,406	: PARTICIPATE IN THE PATENT
Filed: November 30, 2011	: PROSECUTION HIGHWAY
Attorney Docket No.: 65438-008	: PROGRAM AND PETITION
For: MEMS SWITCH WITH LATCH	: TO MAKE SPECIAL UNDER
MECHANISM	: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 13, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the Australia, Austria, EPO, Finland, JPO, KIPO, NPI, NBPR, Spain, Sweden, USPTO, or CHINA;

(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) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

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

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

Application No.:	13/375,557	First Named Inventor:	Rolf Stangl
Filing Date:	12-01-2011	Attorney Docket No.:	812706
Title of the Invention:	SOLAR CELL COMPRISING NEIGHBORING ELECTRICALLY INSULATING PASSIVATION REGIONS HAVING HIGH SURFACE CHARGES OF OPPOSING POLARITIES AND PRODUCTION 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 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/DE2010/000625

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

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 5, 2012

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

☐ are attached.

☑ have already been filed in the above-identified U.S. application on January 5, 2012

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

Under the Paperwork Reduction Act of 1995, 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.:	13/375,557	First Named Inventor:	Rolf Stangl

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
		See Attached Claims Correspondence Table

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

Signature	Date March 15, 2012
Name (Print/Typed) Erik R. Swanson	Registration Number 40,833

U.S. Application No. 13/375,557

II. Claims Correspondence Table:

Claims in US Application	Patentable claims in the Corresponding PCT Application	Explanation regarding the correspondence
20	1	U.S. claim 20 recites the first or second "polarity sufficient to cause a band bending"; PCT claim 1 recites a "polarity so high that a band bending . . . is caused".
21	2	
22	3	
23	4	
24	5	
25	6	
26	7	
27	8	
31	9	
32	10	
34	11	
33	12	
35	12	
28	13	
39	14	
36	15	
37	16	
30	17	
38	18	
39	19	

IV. Box VIII Observations

The EPO Examiner has made certain observations in the International Application (see Box VIII of the International Preliminary Report on Patentability).

These observations are related to informalities in the description and in the figures, and the claims are not subject to these observations. These informalities have been corrected in the Supplemental Preliminary Amendment submitted herewith.

Specifically, the observations are:

1. On page 19, line 25 of the description, the second passivation region is incorrectly identified as 04.

   Paragraph [0052] of the specification filed is amended in the preliminary amendment to identify the second passivation region as 05.

2. On page 33, line 17 of the description, reference is made to contact openings 11 and 12 in figure 10J, which openings are not clear from figure 10J.

   Reference numerals 11 and 12 identifying contact openings 11 and 12 are added to figure 10J in the preliminary amendment.

3. In figure 10B, both passivation areas are incorrectly identified as 40 (+) and 40 (-).

   Reference number 40 (-) is corrected to indicate 42 (-) in figure 10B.

Applicants respectfully submit that the Box VIII Observations are merely informalities associated with the specification and the figures, and do not affect the claims.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

WILLIAM H. EILBERG
316 CALIFORNIA AVENUE, #785
RENO, NV 89509

MAILED
DEC 13 2011
PCT LEGAL ADMINISTRATION

In re Application of
RICHARD SULMAN
U.S. Application No.: 13/375566
PCT No.: PCT/AU2010/000403
Int. Filing Date: 13 APRIL 2010
Priority Date:15 MAY 2009
For: TREE HARVESTERS

DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed 01 December 2011, in the above-captioned application is hereby **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate petition fee has 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.

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.

The application has an International filing date under 35 U.S.C. 363 of 13 April 2010, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 December 2011.

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

Wanda Banks
Paralegal Specialist
Office of PCT Legal Administration
Tel: (571) 272-3277

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application of
Lucas Back et al
Application No.: 13/375,694
Filed: December 1, 2011
Attorney Docket No.: 049121-0054 (476026)
For: METHOD OF MANUFACTURING A TOP SHEET OR BACK SHEET OF A DISPOSABLE ABSORBENT ARTICLE

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 30, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

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

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/SDB/

Sherry D. Brinkley
Petition Examiner
Office of Petitions

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains 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.:	13/375,709	Filing Date:	December 1, 2011
First Named Inventor:	Cecilia NORDLUND		
Title of the Invention:	DISPENSING SYSTEM AND METHOD FOR DISPENSING A PRODUCT		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2009/057092

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

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

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

[ ] Is attached.

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

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

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

[ ] Is attached.

[X] Has already been filed in the above-identified U.S. application on December 1, 2011

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

[ ] Are attached.

[X] Have already been filed in the above-identified U.S. application on December 1, 2011

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

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

Application No.:	13/375,709
First Named Inventor:	Cecilia NORDLUND

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Substantially the same
2	2	Substantially the same
3	3	Substantially the same, except multiple dependency
4	4	Substantially the same, except multiple dependency
5	5	Substantially the same, except multiple dependency
6	6	Substantially the same, except multiple dependency
7	7	Substantially the same, except multiple dependency
8	8	Substantially the same, except multiple dependency
9	9	Substantially the same, except multiple dependency
10	10	Substantially the same
11	11	Substantially the same
12	12	Substantially the same
13	13	Substantially the same, except multiple dependency
14	14	Substantially the same, except multiple dependency
15	15	Substantially the same, except multiple dependency
16	16	Substantially the same, except multiple dependency
17	17	Substantially the same, except multiple dependency
18	18	Substantially the same, except multiple dependency
19	19	Substantially the same, except multiple dependency

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

Signature	Date January 5, 2011
Name (Print/Typed) Christopher P. Bruenjes	Registration Number 62,941

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 31 2012

OFFICE OF PETITIONS

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of
NORLUND, et al
Application No.: 13/375,709
Filed: December 1, 2011
Attorney Docket No.: 049121-0057
(476671)
For: DISPENSING SYSTEM AND METHOD FOR DISPENSING A PRODUCT

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 5, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, Australia, Austria, KIPO, NPI, Russia, Finland, Spain, Sweden, 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 PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

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

This application is being forwarded to Technology Center Art Unit 3651 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
www.uspto.gov

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MAR 21 2012
OFFICE OF PETITIONS

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

In re Application of	
Kazuya Maeagawa	: REQUEST TO
Application No.: 13/375,739	: PARTICIPATE IN THE PATENT
Filed: December 1, 2011	: PROSECUTION HIGHWAY
Attorney Docket No.: 075192-0095	: PROGRAM AND PETITION
For: CHARGE CONTROL CIRCUIT,	: TO MAKE SPECIAL UNDER
BATTERY PACK,.....	: 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 10, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

Inquiries concerning this decision should be directed to 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 the formalities review has been completed.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Application of
Nguyen et al.
Application No. 13/376,068
Filed: December 2, 2011
Attorney Docket No. 02946-24748US01
Title: METHODS

DECISION ON REQUEST PURSUANT TO 37 C.F.R. § 5.25

This is a decision on the petition pursuant to 37 C.F.R. § 5.25, filed on December 6, 2011, seeking a retroactive license for foreign filing under 35 U.S.C. § 184.

The petition is **DISMISSED.**

A grantable petition pursuant to 37 C.F.R. § 5.25 must be accompanied by:

(1) a listing of each of the foreign countries in which the unlicensed patent application material was filed;
(2) The dates on which the material was filed in each country;
(3) A verified statement (oath or declaration) containing:
  (i) An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
  (ii) A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
  (iii) An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and;

(4) The required fee (§ 1.17(g) of this chapter).

The petition complies with requirements (1), (2), (3)(i), and (4) of 37 C.F.R. § 5.25. Petitioner has provided a listing of each of the foreign countries in which the unlicensed patent application material was filed,[1] the date on which the material was filed in another country,[2] and a verified statement containing an averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order.[3] Petitioner has further included the required $200 petition fee.

The petition fails to comply with requirements (3)(ii) and (3)(iii) of 37 C.F.R. § 5.25. A discussion follows.

Regarding requirement (3)(ii) of 37 C.F.R. § 5.25, Petitioner has failed to provide a showing that the license has been diligently sought after discovery of the proscribed foreign filing: Dr. Richards indicated on an unspecified date subsequent to June 4, 2009, he performed an inventorship analysis and learned that inventors who reside in the United States should have been named as inventive entities on the British patent application.[4] As the record does not reveal when the discovery of the proscribed foreign filing occurred, the Office cannot determine whether the license has been diligently sought.

Regarding requirement (3)(iii) of 37 C.F.R. § 5.25, it does not appear that Dr. Richards filed the proscribed foreign filing: he filed a later PCT application which claims the benefit of the proscribed foreign filing. As such, neither an explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11, nor a statement from one having firsthand knowledge of the same has been provided.

The response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 5.25." This is not a final agency action within the meaning of 5 U.S.C § 704.

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1 Great Britain.
2 June 4, 2009.
3 Richards statement, paragraph 8.
4 Id. at 5-7.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[5] hand-delivery,[6] or facsimile.[7] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[8]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[9]

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
7 (571) 273-8300: please note this is a central facsimile number.
8 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
9 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON MA 02210-2604

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of :
Matsuda al. :
Application No. 13/376,259 : ON PETITION
Filed: 12/05/2011 :
Attorney Docket No. 109684-19 :

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) For Acceptance of Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on February 17, 2012.

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.

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."

[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).

Petitioners assert that the color replacement drawings (Figs. 1a and 1b) provide enhanced illustrations of the deficiencies in prior-art polishing techniques.

Petitioner's argument has been considered, but is not persuasive. The Office has determined 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.

The petition fee required by 37 CFR 1.17(h) will be charged to counsel's deposit account.

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 2811.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

Jose' G. Dees
Petitions Examiner
Office of Petitions

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

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

Application No:		Filing date:	
First Named Inventor:	Antonio Alonso Alarcon		
Title of the Invention:	User Data Convergence (UDC) Notification Management		

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/IB2009/007705

The international filing date of the corresponding PCT application(s) is/are: 2009-12-09

I. List of Required Documents:

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

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

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

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

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

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

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

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

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

(continued)

Application No.:	
First Named Inventor:	Antonio Alonso Alarcon

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

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

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

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
20	1	essentially identical; removed ref nos.
21	2	essentially identical; clarified that claim is directed to the populating limit; removed ref. nos.
22	3	essentially identical; clarified that claim is directed to the storing limit; removed ref. nos.
23	4	essentially identical; removed ref. nos.
24	5	essentially identical; removed ref. nos.
25	6	essentially identical; removed ref. nos.
26	7	essentially identical; removed ref. nos.
27	8	essentially identical; removed ref. nos.
28	9	essentially identical; clarifying language; removed ref. nos.
29	10	essentially identical; correcting language based on ind. claim language; removed ref. nos.
30	11	replaced means language with elements described in specific; removed ref. nos.
31	12	essentially identical; replaced means language to conform to ind. claim; removed ref. nos.
32	13	essentially identical; replaced means language to conform to ind. claim; removed ref. nos.
33	14	essentially identical; removed ref. nos.
34	15	essentially identical; replaced means language; corrected typo; removed ref. nos.
35	16	essentially identical; reformatted claim; removed ref. nos.
36	17	essentially identical; reformatted claim; removed ref. nos.
37	18	essentially identical; reformatted claim; removed ref. nos.
38	19	essentially identical; reformatted claim; replaced means language

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

Signature /Jennifer K. Stewart, Reg. No. 53639/	Date 2011-12-06
Name (Print/Typed) Jennifer K. Stewart	Registration Number 53,639

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

COATS & BENNETT, PLLC
1400 CRESCENT GREEN, SUITE 300
CARY NC 27518

MAILED

FEB 22 2012

OFFICE OF PETITIONS

In re Application of:	: DECISION ON REQUEST TO
Alonso et al.	: PARTICIPATE IN THE PATENT
Application No. 13/376,443	: PROSECUTION HIGHWAY
Filed: December 6, 2011	: PROGRAM AND PETITION
Attorney Docket No. 4015-7862 / P29322-US2	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 6, 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 Joan Olszewski at 571-272-7751.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

MAILED
DEC 29 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
SHORT	:	DECISION ON PETITION
Application No.: 13/376,507	:	
PCT No.: PCT/GB2010/050751	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 10 May 2010	:	
Priority Date: 08 May 2009	:	
Atty. Docket No.: 9837-8	:	
For: LIQUID PUMP APPARATUS AND METHOD	:	

The petition to revive under 37 CFR 1.137(b) filed 06 December 2011 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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

PTO/SB/20PCT-KR (06-10)
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:	13/376,618	Filing date:	December 7, 2011
First Named Inventor:	Bran Ferren		
Title of the Invention:	MULTI-MODE HANDHELD WIRELESS DEVICE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/069927

The international filing date of the corresponding PCT application(s) is/are: December 31, 2009

I. List of Required Documents:

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

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

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

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

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

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

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

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

(continued)

Application No.:	13/376,618
First Named Inventor:	Bran Ferren

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

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

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

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claim sets are identical
		.

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

Signature /John F. Travis/	Date 2012-01-05
Name (Print/Typed) John F. Travis	Registration Number 43,203

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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JAN 31 2012
OFFICE OF PETITIONS

INTEL CORPORATION
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

In re Application of
FERREN
Application No.: 13/376,618
Filed: December 7, 2011
Attorney Docket No.: P33075
For: MULT-MODE HANDHELD WIRELESS DEVICE

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 5, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, Australia, Austria, KIPO, NPI, Russia, Finland, Spain, Sweden, 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 Technology Center 2115 for action on the merits commensurate with this decision.

\Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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

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

Application No:	13/376,621	Filing date:	2011-12-07
First Named Inventor:	Bran Ferren		
Title of the Invention:	CAMERA APPLICATIONS IN A HANDHELD DEVICE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/069804

The international filing date of the corresponding PCT application(s) is/are: 2009-12-30

I. List of Required Documents:

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

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

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

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

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

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

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

(continued)

Application No.:	13/376,621
First Named Inventor:	Bran Ferren

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 - 22	1 - 22	Claim sets are identical
		.

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

Signature /John F. Travis/	Date 2012-01-25
Name (Print/Typed) John F. Travis	Registration Number 43,203

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
FEB 13 2012
OFFICE OF PETITIONS

INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

In re Application of
Bran FERREN et al.
Application No. 13/376,621
Filed: December 7, 2011
Atty. Docket No.: P33076
For: CAMERA APPLICATIONS IN A HANDHELD DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN PCT-PPH PROGRAM
: AND PETITION TO MAKE SPECIAL
: UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed January 25, 2012, to make the above-identified application special.

The request and petition are **GRANTED.**

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

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

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

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

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

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

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

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

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

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to Technology Center Art Unit 2876 for action commensurate with this decision.

Thurman K. Page

David Bucci
Petitions Examiner
Office of Petitions

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

Application No:	13/376,928	Filing date:	
First Named Inventor:	Gereon FEHLEMANN		
Title of the Invention:	INTEGRATION OF AN OPTICAL WAVEGUIDE OF A SENSOR INTO A COMPONENT		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2010/003414

The international filing date of the corresponding PCT application(s) is/are: JUNE 8, 2010

I. List of Required Documents:

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

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

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

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

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

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

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

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

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

(continued)

Application No.:	13/376,928
First Named Inventor:	Gereon FEHLEMANN

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on December 8, 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 December 8, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
18	1	BOTH CLAIMS ARE SUBSTANTIALLY THE SAME
19-28	2-9	CLAIMS ARE SUBSTANTIALLY THE SAME OR SUBSTANTIALLY THE SAME EXCEPT FOR CLAIM DEPENDENCY
29	10	BOTH CLAIMS ARE SUBSTANTIALLY THE SAME
30-37	11-17	CLAIMS ARE SUBSTANTIALLY THE SAME OR SUBSTANTIALLY THE SAME EXCEPT FOR CLAIM DEPENDENCY

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

Signature	Date 12/20/2011
Name (Print/Typed) Klaus P. Stoffel	Registration Number 31668

VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

PCT

INTERNATIONALER VORLÄUFIGER BERICHT ÜBER DIE PATENTIERBARKEIT

(Kapitel II des Vertrags über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens)

Aktenzeichen des Anmelders oder Anwalts 45 999.be.sc	**WEITERES VORGEHEN**	siehe Formblatt PCT/IPEA/416
Internationales Aktenzeichen PCT/EP2010/003414	Internationales Anmeldedatum *(Tag/Monat/Jahr)* 08.06.2010	Prioritätsdatum *(Tag/Monat/Jahr)* 08.06.2009
Internationale Patentklassifikation (IPC) oder nationale Klassifikation und IPC INV. G01D5/26		
Anmelder SMS Siemag AG		

1. Bei diesem Bericht handelt es sich um den internationalen vorläufigen Prüfungsbericht, der von der mit der internationalen vorläufigen Prüfung beauftragten Behörde nach Artikel 35 erstellt wurde und dem Anmelder gemäß Artikel 36 übermittelt wird.
2. Dieser BERICHT umfaßt insgesamt 5 Blätter einschließlich dieses Deckblatts.
3. Außerdem liegen dem Bericht ANLAGEN bei; diese umfassen
   a. ☒ *(an den Anmelder und das Internationale Büro gesandt)* insgesamt 5 Blätter; dabei handelt es sich um
      - ☒ Blätter mit der Beschreibung, Ansprüchen und/oder Zeichnungen, die geändert wurden und diesem Bericht zugrunde liegen, und/oder Blätter mit Berichtigungen, denen die Behörde zugestimmt hat (siehe Regel 70.16 und Abschnitt 607 der Verwaltungsvorschriften).
      - ☐ Blätter, die frühere Blätter ersetzen, die aber aus den in Feld Nr. 1, Punkt 4 und im Zusatzfeld angegebenen Gründen nach Auffassung der Behörde eine Änderung enthalten, die über den Offenbarungsgehalt der internationalen Anmeldung in der ursprünglich eingereichten Fassung hinausgeht.

   b. ☐ *(nur an das Internationale Büro gesandt)* insgesamt (bitte Art und Anzahl der/des elektronischen Datenträger(s) angeben) , der/die ein Sequenzprotokoll enthält/enthalten, nur in elektronischer Form, wie im Zusatzfeld betreffend das Sequenzprotokoll angegeben (siehe Ziffer 3*bis* des Anhangs C zu den Verwaltungsvorschriften).

4. Dieser Bericht enthält Angaben zu folgenden Punkten:

☒	Feld Nr. I	Grundlage des Berichts
☐	Feld Nr. II	Priorität
☐	Feld Nr. III	Keine Erstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit
☐	Feld Nr. IV	Mangelnde Einheitlichkeit der Erfindung
☒	Feld Nr. V	Begründete Feststellung nach Artikel 35(2) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung
☐	Feld Nr. VI	Bestimmte angeführte Unterlagen
☐	Feld Nr. VII	Bestimmte Mängel der internationalen Anmeldung
☐	Feld Nr. VIII	Bestimmte Bemerkungen zur internationalen Anmeldung

Datum der Einreichung des Antrags	Datum der Fertigstellung dieses Berichts
12.01.2011	09.08.2011
Name und Postanschrift der mit der internationalen vorläufigen Prüfung beauftragten Behörde Europäisches Patentamt P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	Bevollmächtigter Bediensteter Moulara, Guilhem Tel. +31 70 340-3219

INTERNATIONALER VORLÄUFIGER BERICHT ÜBER DIE PATENTIERBARKEIT

Internationales Aktenzeichen
PCT/EP2010/003414

Feld Nr. I Grundlage des Berichts

1. Hinsichtlich der **Sprache** beruht der Bescheid auf

   ☒ der internationalen Anmeldung in der Sprache, in der sie eingereicht wurde.

   ☐ einer Übersetzung der internationalen Anmeldung in die folgende Sprache , bei der es sich um die Sprache der Übersetzung handelt, die für folgenden Zweck eingereicht worden ist:
   - ☐ internationale Recherche (nach Regeln 12.3 a) und 23.1 b))
   - ☐ Veröffentlichung der internationalen Anmeldung (nach Regel 12.4 a))
   - ☐ internationale vorläufige Prüfung (nach Regeln 55.2 a) und/oder 55.3 a))

2. Hinsichtlich der **Bestandteile*** der internationalen Anmeldung beruht der Bericht auf *(Ersatzblätter, die dem Anmeldeamt auf eine Aufforderung nach Artikel 14 hin vorgelegt wurden, gelten im Rahmen dieses Berichts als "ursprünglich eingereicht" und sind ihm nicht beigefügt)*:

   Beschreibung, Seiten

   1-12 in der ursprünglich eingereichten Fassung

   Ansprüche, Nr.

   1-17 eingereicht mit dem Antrag für vorläufige internationale Prüfung

   Zeichnungen, Blätter

   1/1 in der ursprünglich eingereichten Fassung

   ☐ eines Sequenzprotokolls - siehe Zusatzfeld betreffend das Sequenzprotokoll.

3. ☒ Aufgrund der Änderungen sind folgende Unterlagen fortgefallen:
   - ☐ Beschreibung: Seite
   - ☒ Ansprüche: Nr. 18-22
   - ☐ Zeichnungen: Blatt/Abb.
   - ☐ Sequenzprotokoll *(genaue Angaben)*:
   - ☐ etwaige zum Sequenzprotokoll gehörende Tabellen *(genaue Angaben)*:

4. ☐ Dieser Bericht ist ohne Berücksichtigung (von einigen) der diesem Bericht beigefügten und nachstehend aufgelisteten Änderungen erstellt worden, da diese aus den im Zusatzfeld angegebenen Gründen nach Auffassung der Behörde über den Offenbarungsgehalt in der ursprünglich eingereichten Fassung hinausgehen oder laut Angabe im Zusatzfeld kein Begleitschreiben beigefügt war, in dem die Grundlage für die Änderung in der ursprünglich eingereichten Anmeldung angegeben war (Regel 70.2 c) und c-bis)).
   - ☐ Beschreibung: Seite
   - ☐ Ansprüche: Nr.
   - ☐ Zeichnungen: Blatt/Abb.
   - ☐ Sequenzprotokoll *(genaue Angaben)*:

5. ☐ Dieser Bescheid wurde erstellt unter Berücksichtigung der **Berichtigung eines offensichtlichen Fehlers**, die nach Regel 91 von dieser Behörde genehmigt wurde bzw. dieser Behörde mitgeteilt wurde (Regel 70.2 e)).

6. ☐ Bei der Erstellung dieses Berichts wurde der ergänzende internationale Recherchenbericht/wurden die ergänzenden internationalen Recherchenberichte der folgenden Behörde(n) berücksichtigt (R. 45bis.8 b) und c)).

Feld Nr. V Begründete Feststellung nach Artikel 35 (2) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit (N)	Ja:	Ansprüche	1-17
	Nein:	Ansprüche	
Erfinderische Tätigkeit (IS)	Ja:	Ansprüche	1-17
	Nein:	Ansprüche	
Gewerbliche Anwendbarkeit (IA)	Ja:	Ansprüche:	1-17
	Nein:	Ansprüche:	

2. Unterlagen und Erklärungen (Regel 70.7):

siehe Beiblatt

1 Stand der Technik

Es wird auf die folgenden Dokumente verwiesen:

D1 US 2005/061058 A1 (WILLSCH MICHAEL [DE] ET AL) 24. März 2005 (2005-03-24)

D2 DD 240 947 A1 (INDUCAL VEB [DD]) 19. November 1986 (1986-11-19)

D3 WO 2004/015349 A2 (LIOS TECHNOLOGY GMBH [DE]; JUNKER GMBH O [DE]; SCHMITZ WILFRIED [DE];) 19. Februar 2004 (2004-02-19)

D4 US 2004/184700 A1 (LI XIAOCHUN [US] ET AL) 23. September 2004 (2004-09-23)in der Anmeldung erwähnt

D5 US 5 996 219 A (GOLNAS ANASTASIOS M [US] ET AL) 7. Dezember 1999 (1999-12-07)

2 Neuheit und erfinderische Tätigkeit

2.1 Anspruch 1

Das Dokument D1 beschreibt:

ein Verfahren zur Einbindung eines Lichtwellenleiters (absatz 29, fiber 31) eines Temperatur-und/oder Spannungsmesssensors (Absatz 2) in ein aus einem Grundwerkstoff (absatz 29 and Fig 2: superalloy 30) mit darauf aufgebrachter Beschichtung bestehendes Temperatur- und/oder Spannungsmessbauteil (Absatz 29: TBC coating), wobei der Lichtwellenleiter in einer vorgesehenen Messebene angeordnet und anschließend eine bedeckende Beschichtung (Fig 2, Absatz 29) aufgetragen wird,
dadurch gekennzeichnet,
dass der Lichtwellenleiter in einer den Grundwerkstoff des Temperatur- und/oder Spannungsmessbauteils begrenzenden und eine vorgesehene Messebene ausbildenden Ebene des Temperatur-und/oder Spannungsmessbauteils angeordnet wird (Fig 2 und Absatz 29) und anschließend auf diese aus dem Grundwerkstoff gebildete Ebene des Temperatur-und/oder Spannungsmessbauteils ein Beschichtungswerkstoff (Absatz 29, TBC coating) unter Ausbildung der den Lichtwellenleiter oder ein den Lichtwellenleiter umgebendes Rohr (Fig 3, 34 und

absatz 31) stoffschlüssig an den Grundwerkstoff und/oder angrenzende Beschichtungsbereiche anbindende Beschichtung aufgetragen wird (Fig 2 oder 3 und Absatz 29; letzte Satz).

Der Gegenstand des Anspruchs 1 unterscheidet sich somit vom bekannten Verfahren dadurch, dass der Lichtwellenleiter in, auf oder an einem Temperatur und/oder Spannungsmessbauteil angeordnet wird, das Bestandteil einer Kokille, Kokillenplatte oder Rohrkokille ist oder eine solche ausbildet, dass der Grundwerkstoff und der Beschichtungswerkstoff ein Metall sind oder zumindest im wesentlichen aus einem Metall bestehen und die Beschichtung mittels eines thermisches Spritzverfahrens oder eines galvanischen oder chemischen Beschichtungsverfahrens aufgetragen wird.

Die mit der vorliegenden Erfindung zu lösende Aufgabe kann somit darin gesehen werden, ein Verfahren gemäß D1 zu schaffen der auch bei auch bei einer Kokille verwendet werden kann.

Bei einer Kokille ist es notwendig, dass sie ausreichend wärmeleitfähig ist. In D1 muss aber die Beschichtung aus einem isolierenden Material bestehen um die Turbinenblättern zu schützen. In D2 bestehet auch die Beschichtung aus eine Isolierende Schicht. Der Fachmann könnte daher nicht aus den Lehren der Dokumenten D1 und D2 auf die Lösung des Anspruchs 1 gelangen.

Die Dokumente D3-D5 beschreiben auch nicht die oben-genannten Merkmale. Es wäre daher nicht naheliegend für den Fachmann auf die Lösung des Anspruchs 1 gelangen.

2.2 Anspruch 10

Der Gegenstand des Anspruchs 10 ist neu und beruht auf einer erfinderischen Tätigkeit aus den selben Gründen wie den Gegenstand des Anspruchs 1.

2.3 Ansprüche 2-9 und 11-17

Ansprüche 2-9 und 11-17 hängen vom Anspruch 1 bzw. Anspruch 10 ab und sind daher neu und beruhen auf einer erfinderischen Tätigkeit.

***

VERIFICATION OF TRANSLATION

RE: International Preliminary Report on Patentability (report completed on 8/9/11) for PCT/EP2010/003414

I, Frank C. Farnham, c/o Frank C. Farnham Company, Inc., 210 W. Front St., Suite 5, Media, PA 19063-3101, am the translator of the International Preliminary Report on Patentability (report completed on 8/9/11) for PCT/EP2010/003414 and I state that said translation is a true translation to the best of my knowledge and belief.

Translator: Frank C. Farnham

Dated: December 14, 2011

TRANSLATION (HM-938-IPER)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

Applicant's or agent's file ref. 45 999.be.sc	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/EP2010/003414	International filing date *(Month/Day/Year)* June 8, 2010	Priority Date *(Month/Day/Year)* June 8, 2009
International Patent Classification (IPC) or National Classification and IPC INV. G01D5/26		
Applicant SMS Siemag AG		

1. This report is the international preliminary examination report, prepared by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 pages, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ (*sent to the applicant and to the International Bureau*) a total of 5 pages, as follows:
      ☒ pages of the description, claims, and/or drawings which have been amended and are the basis for this report and/or pages containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ pages which supersede earlier pages, but which this Authority considers to contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ (*sent to the International Bureau only*): a total of (indicate type and number of electronic carrier(s))____, containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see No. 3bis of Appendix C of the Administrative Instructions).

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

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Nonestablishment 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 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

Date of submission of the petition: January 12, 2011	Date of completion of this report: August 9, 2011
Name and mailing address of the IPEA: European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk – Pays Bas Tel: +31 70 340 – 2040 Fax: +31 70 340 – 3016	Authorized Officer: Moulara, Guilhem Tel: +31 70 340-3219

Box No. I Basis of the Report

1. With regard to the **language,** this report is based on:

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

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3(a) and 23.1(b))

☐ publication of the international application (under Rule 12.4(a))

☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on (*replacement pages which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, pages:

1-12 as originally filed

Claims, nos.:

1-17 received with the petition for international preliminary examination

Drawings, pages:

1/1 as originally filed

☐ a sequence listing – see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

☐ the description: pages

☒ the claims: nos. 18-22

☐ the drawings: pages/figures

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been prepared as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered, in the opinion of this authority, to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for

the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)).

☐ the description: pages

☐ the claims: nos.

☐ the drawings: pages/figures

☐ the sequence listing (*specify*):

5. ☐ This report has been prepared with the **correction of an obvious error**, which, in accordance with Rule 91, was approved by this authority or was reported to this authority (Rule 70.2(e)).

6. ☐ The supplementary international search report(s) of the following authorities were considered in the preparation of this report (Rules 45bis.8 (b) and (c)).

* If item 4 applies, some or all of the pages may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

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1. Statement

Novelty (N)	Yes:	Claims 1-17
	No:	Claims
Inventive Step (IS):	Yes:	Claims 1-17
	No:	Claims
Industrial Applicability (IA):	Yes:	Claims 1-17
	No:	Claims

2. Citations and explanations (Rule 70.7):

See attached page

1 Prior Art

The following documents are cited:

D1 US 2005/061058 A1 (WILLSCH, MICHAEL [DE] ET AL) March 24, 2005

D2 DD 240 947 A1 (UNDUCAL VEB [DD]) November 19, 1986

D3 WO 2004/015349 A2 (LIOS TECHNOLOGY GMBH [DE]; JUNKER GMBH O [DE]; SCHMITZ WILFRIED [DE]) February 19, 2004

D4 US 2004/184700 A1 (LI XIAOCHUN [US] ET AL) September 23, 2004 mentioned in the application

D5 US 5 996 219 A (GOLNAS ANASTASIOS M [US] ET AL) December 7, 1999

2 Novelty and Inventive Step

2.1 Claim 1

Document D1 describes:

a method for embedding an optical fiber (paragraph 29, fiber 31) of a temperature and/or strain sensor (paragraph 2) in a temperature and/or strain measuring component that consists of a substrate (paragraph 29 and Figure 2: superalloy 30) with a coating applied to it (paragraph 29: TBC coating), wherein the optical fiber is arranged in a measuring plane provided for this purpose, and then a covering layer (Figure 2, paragraph 29) is applied, characterized by the fact that the optical fiber is arranged in a plane of the temperature and/or strain measuring component

that bounds the substrate of the temperature and/or strain measuring component and forms a measuring plane for this purpose (Figure 2 and paragraph 29), and then a coating material (paragraph 29, TBC coating) is applied to this plane of the temperature and/or strain measuring component formed from the substrate with the formation of the coating that integrally joins the optical fiber or a tube surrounding the optical fiber (Figure 3, 34 and paragraph 31) to the substrate and/or to bordering coated regions (Figure 2 or Figure 3 and paragraph 29; last sentence).

The object of Claim 1 thus differs from the previously known method in that the optical fiber is arranged in, on, or alongside a temperature and/or strain measuring component, which constitutes or is part of a mold, mold plate, or tubular mold, that the substrate and the coating material are one metal or consist at least essentially of one metal, and that the coating is applied by a thermal spray process or a galvanic or chemical coating process.

The objective to be achieved with the present invention can thus be seen as the creation of a method according to D1 that can also be used in a mold.

It is necessary for a mold to have sufficient thermal conductivity. However, in D1, the coating must consist of an insulating material to protect the turbine blades. In D2 the coating also consists of an insulating layer. Therefore, an expert could not arrive at the solution provided in Claim 1 on the basis of the disclosure of documents D1 and D2.

Documents D3-D5 also fail to describe the aforementioned features. Therefore, there is no obvious way for an expert to arrive at the solution of Claim 1.

2.2 **Claim 10**

The object of Claim 10 is novel and is based on an inventive step for the same reasons as the

object of Claim 1.

2.3 **Claims 2-9 and 11-17**

Claims 2-9 and 11-17 are dependent on Claim 1 and Claim 10, respectively, and therefore are novel and based on an inventive step.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of:
Gereon Fehlemann
Application No. 13/376,928
Filed: December 8, 2011
Attorney Docket No. HM-938

: 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 December 20, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, NPI, Australia, Austria, China, Finland, Russia, Spain, Sweden, or USPTO;

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

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

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

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

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

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

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

Currently, requirements (1)-(3), and (5) – (8) are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (4).

Regarding the requirement of condition (4), all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims(s) that have novelty, inventive step, and industrial applicability in the PCT application(s). However, this submission with respect to the Claims Correspondence Table – Explanation regarding the correspondence indicates that US claim 18 and PCT claim 1 are described as follows "BOTH CLAIMS ARE SUBSTANTIALLY THE SAME". However, applicant has failed to ensure that the claims in the U.S. application (amendment to claims filed December 8, 2011) sufficiently correspond to the allowable/patentable claims in the PCT application. Independent US claim 18 requires "A method of integrating an optical waveguide of a temperature and/or strain measuring sensor into a temperature and/or strain measuring component which is composed of a basic material with a coating applied thereon, the method comprising the steps of : arranging the optical waveguide in, on or at a plane of the temperature and/or strain measuring component defining the basic material of the temperature and/or strain measuring component and forming an intended measuring plane; and subsequently applying a coating material on the plane of the temperature and/or measuring component defining the basic material so as to form a coating that integrally connects the optical waveguide or a pipe surrounding the optical waveguide to the basic material and/or adjacent coating areas, wherein the temperature and/or strain measuring component is at least part of a mold, mold plate or tube mold, wherein the basic material and the coating material are metal or at least essentially metal, the coating being applied by thermal spraying or galvanic or chemical coating;", while amended independent PCT claim1 requires, "Method of integrating an optical waveguide (3) of a temperature and/or strain measuring sensor into a temperature and/or strain measuring component (1) which is composed of a basic material (2) with a coating (5) applied thereon, wherein the optical waveguide (3) is arranged in an intended measuring plane, and subsequently a covering coating (5) is applied, wherein the optical waveguide (3) is arranged in, on or at a plane of the temperature and /or strain measuring component (1) defining the basic material (2) of the temperature and/or strain measuring component (1) and forming an intended measuring plane, and subsequently, on this plane of the temperature and/or measuring component (1) formed of the basic material (2) a coating material (5a) is applied so as to form the coating (5) which integrally connects the optical waveguide (3) or a pipe (4) surrounding the optical waveguide (3) to the basic material (2) and/or adjacent coating areas characterized in that the optical waveguide (3) is arranged in, on or at a temperature and/or strain measuring component (1) which is part of a mold, mold plate or tube mold (7) or forms such a component, wherein the basic material (2) and the coating material (5a) are metal or at least essentially metal and wherein the coating (5) is applied by means of a thermal spraying method or a galvanic or chemical coating method.". Accordingly, the scope of independent US claim 18 is different from the scope of independent PCT claim 1. Further, independent US claim 10 and PCT claim 29 exhibit similar examples.

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 Petitions Examiner Joan Olszewski at (571)-272-7751.

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

/dab/
David Bucci
Petitions Examiner
Office of Petitions

PATENT

Docket No. HM-938

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gereon FEHLEMANN

Serial No.: 13/376,928

Int. Filed: June 8, 2010

For: INTEGRATION OF AN OPTICAL WAVEGUIDE OF A SENSOR INTO A COMPONENT

Petition Examiner: David Bucci

Conf. No.: 8080

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO DECISION ON PETITION

SIR:

In response to the Decision dated March 15, 2012, applicant encloses herewith a second preliminary amendment in which claims 18-37 have been cancelled and new claims 38-54 added. Claims 38-54 correspond identically to original claims 1-17 of the PCT application, with the exception that multiple

dependencies have been removed. Additionally, relative to cancelled claims 18 and 29, applicant submits that both those claims had the same scope as claims 1 and 10, respectively, of the PCT application. However, in order to avoid further delay, the claims were revised to mirror the claims of the PCT application.

Respectfully submitted,

LUCAS & MERCANTI LLP

By _____

Klaus P. Stoffel, Reg. No. 31,668
475 Park Avenue South, 15th Floor
New York, New York 10016
(212) 661-8000

Dated: April 16, 2012

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted by EFS-web to the Commissioner for Patents on April 16, 2012.

By: _____ Date: April 16, 2012
Klaus P. Stoffel, Reg. No. 31,668

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:	13/376,928	Filing date:	
First Named Inventor:	Gereon FEHLEMANN		
Title of the Invention:	INTEGRATION OF AN OPTICAL WAVEGUIDE OF A SENSOR INTO A COMPONENT		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2010/003414

The international filing date of the corresponding PCT application(s) is/are: JUNE 8, 2010

I. List of Required Documents:

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

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

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

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

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

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

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

(continued)

Application No.:	13/376,928
First Named Inventor:	Gereon FEHLEMANN

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on December 8, 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 December 8, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
38	1	BOTH CLAIMS ARE SUBSTANTIALLY THE SAME
39-46	2-9	CLAIMS ARE SUBSTANTIALLY THE SAME OR SUBSTANTIALLY THE SAME EXCEPT FOR CLAIM DEPENDENCY
47	10	BOTH CLAIMS ARE SUBSTANTIALLY THE SAME
48-54	11-17	CLAIMS ARE SUBSTANTIALLY THE SAME OR SUBSTANTIALLY THE SAME EXCEPT FOR CLAIM DEPENDENCY

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

Signature /Klaus P. Stoffel/	Date 04/16/2012
Name (Print/Typed) Klaus P. Stoffel	Registration Number 31668

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FEB 16 2012

OFFICE OF PETITIONS

IPUSA, P.L.L.C
1054 31ST STREET, N.W.
Suite 400
Washington DC 20007

In re Application of
Koji Kawashima et al.
Application No.: 13/376,932
Filed: December 8, 2011
Attorney Docket No.: 11SJ-011
For: Hybrid Excavator and Method of Controlling Hybrid Excavator

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 8, 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 Australia, Austria, JPO, EPO, KIPO, IPAU, SIPO, NPI, Russia, Spain, Finland, or USPTO;

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

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

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PPH pilot program and petition fail to meet requirement (2), (3) and (6).

Regarding the requirement of condition (2), until a copy of the international work product is received, it cannot be determined of claims in the PCT application have novelty, inventive step and industrial applicability.

Regarding the requirement of condition (3), applicant has failed to submit a copy of the PCT claims in the foreign language and a statement that the translation of the claims are accurate.

Regarding the requirement of condition (6), a copy of latest international work product from the PCT application (PCT/237), a translation and a statement that the translation of the work product is accurate.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under 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 Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 27 2012

OFFICE OF PETITIONS

IPUSA, P.L.L.C
1054 31ST STREET, N.W.
Suite 400
Washington DC 20007

In re Application of
Koji Kawashima et al.
Application No.: 13/376,932
Filed: December 8, 2011
Attorney Docket No.: 11SJ-011
For: Hybrid Excavator and Method of Controlling Hybrid Excavator

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on March 16, 2012 to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, 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 Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Thurman K Page

Thurman Page
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/377,034	Filing date:	December 8, 2011
First Named Inventor:	Joseph Peter Sutton		
Title of the Invention:	Smoking Article		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/056091

The international filing date of the corresponding PCT application(s) is/are: May 5, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ 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.:	13/377,034
First Named Inventor:	Joseph Peter Sutton

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on December 8, 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 December 8, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Direct Correspondence
2, 4, 7, 9, 10, 11, 13, 15	2, 4, 7, 9, 10, 11, 13, 15	Direct correspondence with clarifying changes made to US claims
3, 5, 6, 8, 12, 14, 16-18	3, 5, 6, 8, 12, 14, 16-18	Multiple dependency of PCT has been removed from US claims

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Walter G. Hanchuk/	Date December 8, 2011
Name (Print/Typed) Walter G. Hanchuk	Registration Number 35,179

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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FEB 07 2012
OFFICE OF PETITIONS

CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of
Joseph Peter Sutton
Application No.: 13/377,034
Filed: December 9, 2011
Attorney Docket No.: 17132-360US
For: Smoking Article

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 8, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are Australia, Austria, China, EPO, Finland, JPO, Korea, NPI, Russia, Spain, Sweden and the 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 Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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
Office of Petitions

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	Not yet assigned	Filing date:	Even date herewith
First Named Inventor:	Ville OLLIKAINEN		
Title of the Invention:	Method and Arrangement for Protecting File-Based Information		

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/FI2010/050560

The international filing date of the corresponding PCT application(s) is/are: June 29, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [x] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [x] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-15	1-15	No change in claims

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date
Name (Print/Typed) Shalom Wertsberger	Registration Number 43,359

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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THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA, VA 22314

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of
Han-Ki LEE
Application No.: 13/377,443
Filed: 09 December 2011
Attorney Docket No.: 31465U
For: ROUND TOOTHBRUSH BRISTLES AND PROCESSING METHOD THEREOF

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 12 December 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 April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	13377566	Confirmation Number	9445	Filing Date	2011-12-11
Attorney Docket Number (optional)	Landec 009 US	Art Unit	TBD	Examiner	TBD
First Named Inventor	David Taft				
Title of Invention	COMPOSITIONS AND METHODS FOR DELIVERY OF MATERIALS				

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
David	D	Taft	

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	/James S McDonald/	Date (YYYY-MM-DD)	2011-12-11
Name	James S McDonald	Registration Number	44229

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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In re Application of
David Taft

Application No. 13377566

Filed:

Attorney Docket No. Landec 009 US

: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 11-DEC-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED

JAN 10 2012

PCT LEGAL ADMINISTRATION

RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of	:	
HAKANSSON, Bo	:	
Application No.: 13/377,859	:	DECISION
PCT No.: PCT/SE2010/000066	:	
Int. Filing Date: 22 March 2010	:	
Priority Date: 24 March 2009	:	
Attorney Docket No.: VALAP0110WOUS	:	
For: BONE CONDUCTION TRANSDUCER WITH	:	
IMPROVED HIGH FREQUENCY RESPONSE	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 13 December 2011.

The Filing Receipt and the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form DO/EO/903), both mailed 28 December 2011, were mailed prematurely, i.e., before the decision on applicants' petition to revive the application under 37 CFR 1.137(b) had been made. Applicants' petition has been granted. Also, 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 the 35 U.S.C. 371 dates accorded in Form PCT/DO/EO/903 are correct. Accordingly, both Form PCT/DO/EO/903 and the Filing Receipt are hereby affirmed.

BACKGROUND

On 22 March 2010, applicant filed international application PCT/SE2010/000066 which designated the U.S. and claimed a priority date of 24 March 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 September 2011 (24 September 2011 being a Saturday).

On 13 December 2011, applicant filed, *inter alia*, a transmittal letter for entry into the national stage in the United States, the U.S. Basic National Fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the U.S. Basic National Fee was paid on 13 December 2011.

As to item (2), the petition fee was paid on 13 December 2011.

As to item (3), the requisite statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

/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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MAR 23 2012
OFFICE OF PETITIONS

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of
Ulf Berggren et al
Application No.: 13/377,909
Filed: December 13, 2011
Attorney Docket No.: 049121-0059
(477394)
For: METHOD FOR MANUFACTURING A PANTS-TYPE DIAPER

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 30, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Ramesh Krishnamurthy

RAMESH KRISHNAMURTHY

for David Bucci
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUSCH BLACKWELL LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of
KIM, et al
Application No.: 13/377,935
Filed: December 13, 2011
Attorney Docket No.: 502167.28
For: METHOD AND SYSTEM FOR HIERARCHICALLY MATCHING IMAGES OF BUILDINGS, AND COMPUTER-READABLE RECORDING MEDIUM

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 13, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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);

This request to participate in the PPH program and petition is assessed as follows:

Requirements (1), (4) and (6) above are considered to have been met. However the request to participate in the PPH program fails to meet requirements (2), (3) and (5).

Regarding requirement (2), applicant has failed to submit a translation of Korean language allowed/patentable claims and a statement of accuracy.

Regarding requirement (3), since applicant has failed to submit a translation statement, it cannot be determined if the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the KR application.

Regarding requirement (5), applicant has failed to submit a statement that the translation of the Korean language Office action is accurate.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to 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.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUSCH BLACKWELL LLP
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SUITE 600
ST. LOUIS MO 63105

MAILED
MAR 01 2012
OFFICE OF PETITIONS

In re Application of
KIM, et al
Application No.: 13/377,935
Filed: December 13, 2011
Attorney Docket No.: 502167.28
For: METHOD AND SYSTEM FOR HIERARCHICALLY MATCHING IMAGES OF BUILDINGS, AND COMPUTER-READABLE RECORDING MEDIUM

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 13, 2011, and renewed on February 17, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

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 referred to Technology Center Art Unit 2624 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of
Song Ki Choi, et al.
Application No.: 13/377,950
Filed: 13 December 2011
Attorney Docket No.: 502167.30
For: ADAPTIVE SUBJECT TRACKING METHOD, APPARATUS, AND COMPUTER READABLE RECORDING MEDIUM

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 13 December 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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);

This request to participate in the PPH program and petition is assessed as follows:

Requirements (1), (4) and (6) above are considered to have been met. However the request to participate in the PPH program fails to meet requirements (2-3) and (5)(c).

Regarding requirement (2), applicant has failed to submit a Korean language copy of the allowed/patentable claims from KR 10-2009-0113560 and a statement that the translation of the claims filed 13 December 2011 is accurate (assuming the claims are a translation of the claims from KR 10-2009-0113560).

Regarding requirement (3), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the KR application.

Regarding requirement (5), applicant has failed to submit a statement that the translation of the claims filed 13 December 2011 is accurate (assuming the claims are a translation of the claims from KR 10-2009-0113560).

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 April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of
Song Ki Choi, et al.
Application No.: 13/377,950
Filed: 13 December 2011
Attorney Docket No.: 502167.30
For: ADAPTIVE SUBJECT TRACKING METHOD, APPARATUS, AND COMPUTER READABLE RECORDING MEDIUM

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 13 December 2011 and renewed on 28 February 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

DISCUSSION

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
   ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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:	13/378,028	Filing date:	13 December 2011
First Named Inventor:	Chun		
Title of the Invention:	Synchronized Express and Local Trains in Urban Commuter Rail Systems		

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/US2010/053237

The international filing date of the corresponding PCT application(s) is/are:
19 October 2010 (19.10.2010)

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 KIPO AND THE USPTO

(continued)

Application No.:	13/378,028
First Named Inventor:	Chun

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 13 December 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 13 December 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
7 -- 14	7 -- 14	Claim 7 is amended to be placed in independent form in this application.
16	16	Claim 16 is amended to be placed in independent form in this application.
20 -- 24	20 -- 24	Claims 20 and 24 are amended to be placed in independent form in this application.
26	26	Claim 26 is amended to be placed in independent form in this application.
30 -- 34	30 -- 34	Claims 30 and 34 are amended to be placed in independent form in this application.
36	36	Claim 36 is amended to be placed in independent form in this application.
40	30 (2nd instance)	Claim 40 is renumbered, and amended to be placed in independent form in this application in this application.
41 -- 44	41 -- 44	Claim 44 is amended to be placed in independent form in this application.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Rodney M Anderson/	Date 13 Dec 2011
Name (Print/Typed) Rodney M. Anderson	Registration Number 31939

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

WHAT IS CLAIMED IS:

1. A method of operating a subway line having a single track in a direction of travel, comprising the steps of:

operating a local train to travel along the track from a first express station toward a second express station;

operating an express train to travel along the single track behind the local train, the express train leaving the first express station later than the local train but traveling at a faster travel velocity to arrive at the second express station at or near the time that the local train is at the second express station; and

passing the local train with the express train at the second express station.

2. The method of claim 1, wherein the local train is a first physical train, and the express train is a second physical train;

and wherein the passing step comprises:

directing the first train from the single track to stop on a side track at the second express station;

stopping the second train at the second express station;

transferring passengers between the first and second trains;

operating the second train to proceed along the single track from the second express station; and

then operating the first train to proceed along the single track from the second express station.

3. The method of claim 2, wherein the second express station includes a passenger platform;

and wherein the side track is disposed on an opposite side of the platform from the single track, and connects to the single track at locations before and after the platform.

4. The method of claim 2, wherein the second express station includes a passenger platform;

wherein the side track is disposed adjacent the single track, and has an end abutting and end of the passenger platform;

and wherein the transferring step comprises:

stopping the first and second trains adjacent one another, to allow passengers to move directly between the first and second trains without accessing the platform.

5. The method of claim 4, wherein the side track is located on a far side of the passenger platform in the direction of travel;

and further comprising:

stopping the first train at the passenger platform prior to the directing step, to allow passengers to board and de-board the first train from and to the passenger platform.

6. The method of claim 4, wherein the side track is located on a near side of the passenger platform in the direction of travel;

wherein the stopping step stops the second train so that a leading portion of the second train is adjacent the passenger platform and a trailing portion of the second train is adjacent the first train;

and further comprising:

after the step of operating the second train to proceed, stopping the first train at the passenger platform to allow passengers to board and de-board the first train from and to the passenger platform.

7. The method of claim 1, wherein the second express station includes a passenger platform;

wherein the step of operating the local train comprises:

operating a first train to travel along the single track from the first express station, stopping for passenger transfer at least one time at a local station along the subway line between the first and second express stations;

wherein the step of operating the express train comprises:

operating a second train to travel along the single track without stopping at the local station, the second train leaving the first express station later than the first train but traveling at a faster travel velocity;

wherein the passing step comprises:

stopping the first train at the second express station to allow passengers to board and de-board the first train from and to the passenger platform;

then operating the first train to proceed along the single track from the second express station as an express train;

then stopping the second train at the second express station to allow passengers to board and de-board the second train from and to the passenger platform; and

then operating the second train to proceed along the single track from the second express station as a local train, the second train stopping for passenger transfer at least one time at a local station along the subway line after the second express station;

and wherein the step of operating the first train as an express train comprises operating the first train to travel without stopping at the local station after the second express station.

8. The method of claim 7, wherein the step of operating the express train further comprises:

operating a third train to travel along the single track without stopping at the local station, the third train leaving the first express station later than the first train but traveling at a faster travel velocity, and leaving the first express station earlier than the second train; and

and wherein the passing step further comprises:

after the step of operating the first train to proceed along the single track from the second express station as an express train, and before the step of stopping the second train at the second express station:

stopping the third train at the second express station to allow passengers to board and de-board the third train from and to the passenger platform; and

then operating the third train to proceed along the single track from the second express station as an express train.

9. The method of claim 8, wherein the step of operating the express train further comprises:

stopping the third train along the single track between the first and second express stations at a local station at which the second train does not stop but at which the first train stops.

10. The method of claim 8, further comprising:

operating a fourth train to travel along the single track without stopping at the local station, the fourth train leaving the first express station later than the first train but traveling at a faster travel velocity, and leaving the first express station earlier than the second train; and

after the step of operating the first train to proceed along the single track from the second express station as an express train, and before the step of stopping the second train at the second express station:

stopping the fourth train at the second express station to allow passengers to board and de-board the fourth train from and to the passenger platform; and

then operating the fourth train to proceed along the single track from the second express station as an express train.

11. The method of claim 7, wherein the step of stopping the second train at the express station occurs after only a brief time after the step of operating the first train to proceed along the single track from the second express station begins.

12. The method of claim 7, further comprising:

before the step of stopping the first train at the second express station to allow passengers to board and de-board the first train from and to the passenger platform, stopping the first train at the second express station so that at least a portion of the passenger platform is not aligned with the passenger platform;

then stopping the second train at the second express station so that a front portion of the first train aligns with a portion of the passenger platform at the second express station, to allow passengers to de-board the second train to the passenger platform;

wherein the step of stopping the first train at the second express station to allow passengers to board and de-board the first train from and to the passenger platform is performed after passengers have de-boarded the second train to the passenger platform;

and further comprising:

then stopping the second train at the second express station to allow passengers to board and de-board the second train from and to the passenger platform.

13. The method of claim 7, wherein the step of operating the express train further comprises:

operating a third train to travel along the single track without stopping at the local station, the third train leaving the first express station later than the first train but traveling at a faster travel velocity, and leaving the first express station earlier than the second train;

before the step of stopping the first train at the second express station to allow passengers to board and de-board the first train from and to the passenger platform, stopping the second and third trains at the second express station so that a front portion of the third train aligns with a portion of the passenger platform at the second express station, to allow passengers to de-board the third train to the passenger platform;

wherein the step of stopping the first train at the second express station to allow passengers to board and de-board the first train from and to the passenger platform is performed after passengers have de-boarded the third train to the passenger platform;

and further comprising:

then stopping the third train at the second express station to allow passengers to board and de-board the third train from and to the passenger platform.

14. The method of claim 7, further comprising:

operating a third train to travel along the single track without stopping at the local station, the third train leaving the first express station later than the first train but traveling at a faster travel velocity, and leaving the first express station earlier than the second train;

operating a fourth train to travel along the single track without stopping at the local station, the fourth train leaving the first express station later than the first train but

traveling at a faster travel velocity, and leaving the first express station earlier than the second train;

before the step of stopping the first train at the second express station to allow passengers to board and de-board the first train from and to the passenger platform, stopping the third and fourth trains at the second express station so that a front portion of the fourth train aligns with a portion of the passenger platform at the second express station, to allow passengers to de-board the fourth train to the passenger platform;

wherein the step of stopping the first train at the second express station to allow passengers to board and de-board the first train from and to the passenger platform is performed after passengers have de-boarded the fourth train to the passenger platform;

and further comprising:

then stopping the fourth train at the second express station to allow passengers to board and de-board the fourth train from and to the passenger platform.

15. A method of operating a computer system to manage the scheduling and operating of a subway line having a single track in a direction of travel, comprising the steps of:

retrieving, from a memory resource, data representative of passenger usage of the subway line;

retrieving, from a memory resource, data representative of train resources and properties associated with the subway line;

retrieving, from a memory resource, data representative of the locations and properties of stations along the subway line;

from the retrieved data, deriving a schedule of local and express trains operating along the subway line, relative to local and express stations along the subway line, in at least one direction of travel, so that trains operating as express trains catch up to local trains leading the express trains along the subway line only at express stations;

wherein the derived schedule is based on express trains passing local trains at the express stations.

16. The method of claim 15, wherein the data representative of properties of stations along the subway line comprises data representative of which stations are express stations and which stations are local stations.

17. The method of claim 15, further comprising:

prior to the deriving step and from the retrieved data, defining which stations along the subway line are to be express stations and which are to be local stations.

18. The method of claim 15, further comprising:

prior to the deriving step and from the retrieved data, defining the number and frequency of express and local trains to be scheduled along the subway line over time.

19. The method of claim 18, further comprising:

prior to the deriving step and from the retrieved data, defining which stations along the subway line are to be express stations and which are to be local stations; and

repeating the defining steps after the deriving step.

20. The method of claim 15, wherein the step of deriving the schedule comprises:

also deriving car assignments corresponding to time of day and to origin and destination stations for a passenger trip.

21. The method of claim 20, further comprising:

communicating the derived schedule and car assignments to passengers.

22. The method of claim 21, wherein the communicating step is performed by way of one or more of a group consisting of video displays at stations, video displays on trains, and information communicated along with purchased tickets.

23. The method of claim 21, wherein the derived schedule and car assignments communicated to passengers also comprises:

identification of stations at which a passenger may transfer forward to a train ahead of the train the passenger is currently riding on.

24. The method of claim 15, wherein the deriving step derives a rush-hour schedule, in which a first plurality of stations along the subway line are identified as express stations;

and further comprising:

from the retrieved data, deriving a non-rush hour schedule of local and express trains operating along the subway line, relative to local and express stations along the subway line, in at least one direction of travel, so that trains operating as express trains catch up to local trains leading the express trains along the subway line only at express stations;

wherein the derived schedule is based on express trains passing local trains at the express stations;

and wherein the step of deriving the non-rush hour schedule identifies a second plurality of stations along the subway line as express stations, the second plurality of stations being a subset of the first plurality of stations.

25. A computer-readable medium storing a computer program that, when executed on a computer system, causes the computer system to perform a plurality of operations for managing the scheduling and operation of a subway line having a single track in a direction of travel, the plurality of operations comprising:

retrieving, from a memory resource in the computer system, data representative of passenger usage of the subway line;

retrieving, from a memory resource in the computer system, data representative of train resources and properties associated with the subway line;

retrieving, from a memory resource in the computer system, data representative of the locations and properties of stations along the subway line;

from the retrieved data, deriving a schedule of local and express trains operating along the subway line, relative to local and express stations along the subway line, in at least one direction of travel, so that trains operating as express trains catch up to local trains leading the express trains along the subway line only at express stations;

wherein the derived schedule is based on express trains passing local trains at the express stations.

26. The computer-readable medium of claim 25, wherein the data representative of properties of stations along the subway line comprises data representative of which stations are express stations and which stations are local stations.

27. The computer-readable medium of claim 25, wherein the plurality of operations further comprises:

prior to the deriving operation and from the retrieved data, defining which stations along the subway line are to be express stations and which are to be local stations.

28. The computer-readable medium of claim 25, wherein the plurality of operations further comprises:

prior to the deriving operation and from the retrieved data, defining the number and frequency of express and local trains to be scheduled along the subway line over time.

29. The computer-readable medium of claim 28, wherein the plurality of operations further comprises:

prior to the deriving operation and from the retrieved data, defining which stations along the subway line are to be express stations and which are to be local stations; and

repeating the defining operations after the deriving operation.

30. The computer-readable medium of claim 25, wherein the operation of deriving the schedule comprises:

also deriving car assignments corresponding to time of day and to origin and destination stations for a passenger trip.

31. The computer-readable medium of claim 30, wherein the plurality of operations further comprises:

communicating the derived schedule and car assignments to passengers.

32. The computer-readable medium of claim 31, wherein the communicating operation is performed by way of one or more of a group consisting of video displays at stations, video displays on trains, and information communicated along with purchased tickets.

33. The computer-readable medium of claim 31, wherein the derived schedule and car assignments communicated to passengers also comprises:

identification of stations at which a passenger may transfer forward to a train ahead of the train the passenger is currently riding on.

34. The computer-readable medium of claim 25, wherein the deriving operation derives a rush-hour schedule, in which a first plurality of stations along the subway line are identified as express stations;

and wherein the plurality of operations further comprises:

from the retrieved data, deriving a non-rush hour schedule of local and express trains operating along the subway line, relative to local and express stations along the subway line, in at least one direction of travel, so that trains operating as express trains catch up to local trains leading the express trains along the subway line only at express stations;

wherein the derived schedule is based on express trains passing local trains at the express stations;

and wherein the operation of deriving the non-rush hour schedule identifies a second plurality of stations along the subway line as express stations, the second plurality of stations being a subset of the first plurality of stations.

35. A computer system for managing the scheduling and operation of a subway line having a single track in a direction of travel, comprising:

an input device for receiving inputs from a user of the system;

at least one memory resource for storing data, the data including data representative of inputs from the user of the system;

one or more central processing units coupled to the input device, for executing program instructions; and

program memory, coupled to the one or more central processing units, for storing a computer program including program instructions that, when executed by the one or more central processing units, cause the computer system to perform a plurality of operations for managing the scheduling and operation of a subway line having a single track in a direction of travel, the plurality of operations comprising:

retrieving, from a memory resource, data representative of passenger usage of the subway line;

retrieving, from a memory resource, data representative of train resources and properties associated with the subway line;

retrieving, from a memory resource, data representative of the locations and properties of stations along the subway line;

from the retrieved data, deriving a schedule of local and express trains operating along the subway line, relative to local and express stations along the subway line, in at least one direction of travel, so that trains operating as express trains catch up to local trains leading the express trains along the subway line only at express stations;

wherein the derived schedule is based on express trains passing local trains at the express stations.

36. The system of claim 35, wherein the data representative of properties of stations along the subway line comprises data representative of which stations are express stations and which stations are local stations.

37. The system of claim 35, wherein the plurality of operations further comprises:

prior to the deriving operation and from the retrieved data, defining which stations along the subway line are to be express stations and which are to be local stations.

38. The system of claim 35, wherein the plurality of operations further comprises:

prior to the deriving operation and from the retrieved data, defining the number and frequency of express and local trains to be scheduled along the subway line over time.

39. The system of claim 38, wherein the plurality of operations further comprises:

prior to the deriving operation and from the retrieved data, defining which stations along the subway line are to be express stations and which are to be local stations; and

repeating the defining operations after the deriving operation.

30. The system of claim 35, wherein the operation of deriving the schedule comprises:

also deriving car assignments corresponding to time of day and to origin and destination stations for a passenger trip.

41. The system of claim 40, wherein the plurality of operations further comprises:

communicating the derived schedule and car assignments to passengers.

42. The system of claim 41, further comprising:

at least one output device, coupled to the one or more central processing units, comprising one or more of a group consisting of video displays at stations, video displays on trains, and information communicated along with purchased tickets;

wherein the communicating operation is performed by way of the at least one output device.

43. The system of claim 41, wherein the derived schedule and car assignments communicated to passengers also comprises:

identification of stations at which a passenger may transfer forward to a train ahead of the train the passenger is currently riding on.

44. The system of claim 25, wherein the deriving operation derives a rush-hour schedule, in which a first plurality of stations along the subway line are identified as express stations;

and wherein the plurality of operations further comprises:

from the retrieved data, deriving a non-rush hour schedule of local and express trains operating along the subway line, relative to local and express stations along

the subway line, in at least one direction of travel, so that trains operating as express trains catch up to local trains leading the express trains along the subway line only at express stations;

wherein the derived schedule is based on express trains passing local trains at the express stations;

and wherein the operation of deriving the non-rush hour schedule identifies a second plurality of stations along the subway line as express stations, the second plurality of stations being a subset of the first plurality of stations.

* * * * *

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MAILED
JAN 25 2012
OFFICE OF PETITIONS

In re Application of
Tae Hoon Kim, et al.
Application No.: 13/378,166
Filed: 14 December 2011
Attorney Docket No.: 502167.31
For: METHOD, SYSTEM AND COMPUTER-READABLE RECORDING MEDIUM FOR ADAPTIVELY PERFORMING IMAGE-MATCHING ACCORDING TO SITUATIONS

: 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 14 December 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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);

This request to participate in the PPH program and petition is assessed as follows:

Requirements (1) and (4-6) above is considered to have been met. However the request to participate in the PPH program fails to meet requirements (2) and (3).

Regarding requirement (2), applicant has failed to submit a Korean language copy of the allowed/patentable claims from KR 10-2009-0131220 and a statement that the translation of the claims filed 14 December 2011 is accurate (assuming the claims are a translation of the claims from KR 10-10-2009-0131220).

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 April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of
Tae Hoon Kim, et al.
Application No.: 13/378,166
Filed: 14 December 2011
Attorney Docket No.: 502167.31
For: METHOD, SYSTEM AND COMPUTER-READABLE RECORDING MEDIUM FOR ADAPTIVELY PERFORMING IMAGE-MATCHING ACCORDING TO SITUATIONS

: 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 14 December 2011 and renewed on 17 February 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

DISCUSSION

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
   i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
   ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
   iii. contains no priority claim,

   or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
   ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of
Jung Hee Ryu, et al.
Application No.: 13/378,362
Filed: 15 December 2011
Attorney Docket No.: 502167.34
For: METHOD FOR PROVIDING INFORMATION ON OBJECT WITHIN VIEW OF TERMINAL DEVICE, TERMINAL DEVICE FOR SAME AND COMPUTER-READABLE RECORDING MEDIUM

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 15 December 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 April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

FEB 24 2012

OFFICE OF PETITIONS

HUSCH BLACKWELL LLP
190 Carondelet Plaza
Suite 600
ST. LOUIS MO 63105

In re Application of	: DECISION ON REQUEST TO
Jung Hee RYU et al.	: PARTICIPATE IN PPH PROGRAM
Application No. 13/378,421	: AND PETITION TO MAKE SPECIAL
Effective Date: December 15, 2011	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 502167.33	:

For: METHOD FOR PROVIDING INFORMATION ON OBJECT WHICH IS NOT INCLUDED IN VISUAL FIELD OF TERMINAL DEVICE, TERMINAL DEVICE AND COMPUTER READABLE RECORDING MEDIUM

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 15, 2011 to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO (Korean Intellectual Property Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT filed in the KIPO that contains no priority claims;

(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 allowability/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.

Requirement (4) is considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirements (1), (2), (3), (5), and (6).

Regarding the requirement of claim (1), this instant request and petition under the PPH program is improper as the U.S. application claims benefit of a PCT application, which in turn has a priority claim to a national stage KIPO application.

Regarding the requirement of claim (2), applicant has failed to submit a copy of the allowable/patentable claims from the KIPO application. Notably, applicant has failed to provide all KIPO office actions which are relevant to patentability. Applicant has provided copies of the latest international work product from the PCT application, but he has not provided the KIPO office actions.

Regarding the requirement of claim (3), it cannot be determined if requirement (3) has been met since the office actions from the KIPO have not been provided.

Regarding the requirement of claim (5), it cannot be determined if requirement (5) has been met since the office actions from the KIPO have not been provided.

Regarding the requirement of claim (6), it cannot be determined if requirement (6) has been met since the office actions from the KIPO have not been provided.

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.

Thurman K. Page

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

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APR 02 2012
OFFICE OF PETITIONS

HUSCH BLACKWELL LLP
190 Carondelet Plaza
Suite 600
ST. LOUIS MO 63105

In re Application of	: DECISION ON REQUEST TO
Jung Hee RYU et al.	: PARTICIPATE IN PPH PROGRAM
Application No. 13/378,421	: AND PETITION TO MAKE SPECIAL
Effective Date: December 15, 2011	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 502167.33	:

For: METHOD FOR PROVIDING INFORMATION ON OBJECT WHICH IS NOT INCLUDED IN VISUAL FIELD OF TERMINAL DEVICE, TERMINAL DEVICE AND COMPUTER READABLE RECORDING MEDIUM

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 19, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO (Korean Intellectual Property Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT filed in the KIPO that contains no priority claims;

(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 allowability/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.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 2628 for action commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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HUSCH BLACKWELL LLP
190 Carondelet Plaza
Suite 600
ST. LOUIS MO 63105

MAILED

FEB 28 2012

OFFICE OF PETITIONS

In re Application of
Jong Hyun Choi et al.
Application No.: 13/378,455
Filed: December 15, 2011
Attorney Docket No.: 502167.29
For: Method, Terminal Device, and Computer-Readable Recording . . . Cut

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 15, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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 pilot program and petition fails meet conditions (3) and (5).

Regarding the requirement of condition (3), a copy of the claims in the Korean foreign language has not been submitted.

Regarding the requirement of condition (5), a statement that the translation of the KIPO office action and claims are accurate was not submitted. It should also be noted that the entire office action should be translated, if this has not been done so with this petition request.

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 Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

/David Bucci/
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HUSCH BLACKWELL LLP
190 Carondelet Plaza
Suite 600
ST. LOUIS MO 63105

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of
Jong Hyun Choi et al.
Application No.: 13/378,455
Filed: December 15, 2011
Attorney Docket No.: 502167.29
For: Method, Terminal Device, and Computer-Readable Recording Medium . . . Graph Cut

: DECISION ON REQUEST TO : PARTICIPATE IN THE PATENT : PROSECUTION HIGHWAY : PROGRAM AND PETITION : TO MAKE SPECIAL UNDER : 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program filed on March 7, 2012.

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 Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://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

Thurman Page
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

HUSCH BLACKWELL LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of
Kim et al.
Application No.: 13/378,518
Filed: December 15, 2011
Attorney Docket No. 502167.27
For: METHOD, TERMINAL, AND COMPUTER-READABLE RECORDING MEDIUM FOR TRIMMING A PIECE OF IMAGE CONTENT

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 15, 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 KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 KIPO application(s) and
    b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from 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 KIPO 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 KIPO examiner in the KIPO 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), (4) and (6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (2), (3) and (5).

Regarding the requirement of conditions (2) and (5), applicant has failed to provide a statement that the translation of the KIPO claims and the KIPO office action are accurate.

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond or are amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s).

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 Petitions Examiner Liana Walsh at (571) 272-3206.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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:	13/378,519	Filing date:	December 15, 2011
First Named Inventor:	Naoki MATSUO		
Title of the Invention:	MOBILE TERMINAL, LANGUAGE SETTING PROGRAM AND LANGUAGE SETTING 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/JP2010/060510

The international date of the corresponding PCT application(s) is/are: June 22, 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.:	13/378,519
First Named Inventor:	Naoki MATSUO

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
1-9	1-9	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 January 24, 2012
Name (Print/Typed) Pattric J. Rawlins	Registration Number 47,887

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

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of : DECISION ON REQUEST TO
Naoki MATSUO : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 13/378,519 : AND PETITION TO MAKE SPECIAL
Filed: December 15, 2011 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 114324-KC0247
For: MOBILE TERMINAL, LANGUAGE SETTING PROGRAM AND LANGUAGE SETTING METHOD

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 24, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to Technology Center Art Unit 2629 for action commensurate with this decision.

Thurman K. Page

David Bucci
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (05-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	New Application	Filing date:	On Even Date Herewith
First Named Inventor:	Dan Allan Robert KRISTENSSON		
Title of the Invention:	Methods and Devices for Displacing Body Convection and Providing a Controlled Personal Breathing Zone		

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/IB2010/002548

The international filing date of the corresponding PCT application(s) is/are: 7 October 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

[x] Is attached

[ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

[x] Is attached.

[ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	New Application
First Named Inventor:	Dan Allan Robert KRISTENSSON

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [x] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [x] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Exact
2	2	Exact
3	3	Exact
4	4	Exact
5	5	Exact
6	6	Exact
7	7	Exact
8	8	Exact
9	9	Exact
10	10	Exact
11	11	Exact
12	12	Exact
13	13	Exact

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Marvin Petry	Date December 15, 2011
Name (Print/Typed) Marvin Petry	Registration Number 22752

PTO/SB/20PCT-NPI (06-11)
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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 NORDIC PATENT INSTITUTE (NPI) AND THE USPTO

Application No:	13/378,555	Filing date:	12/15/2011
First Named Inventor:	Sven Harald TØNNESSEN		
Title of the Invention:	WELL TOOL AND METHOD FOR IN SITU INTRODUCTION OF A TREATMENT FLUID INTO AN ANNULUS IN A WELL		

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/NO2010/000227

The international filing date of the corresponding PCT application(s) is/are: June 14, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE NPI AND THE USPTO

(continued)

Application No.:	13/378,555
First Named Inventor:	Sven Harald TØNNESSEN

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on December 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 December 15, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
16	1	substantially identical
17	2	substantially identical
18	3	substantially identical
19	4	substantially identical
20	5	substantially identical
21	6	substantially identical
22	7	substantially identical
23	8	substantially identical
24	9	substantially identical
25	10	substantially identical
26	11	substantially identical
27	12	substantially identical
28	13	substantially identical
29	14	substantially identical
30	15	substantially identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	JAN 18 2012
Name (Print/Typed)	Glenn Law	Registration Number	34,371

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of	: DECISION ON REQUEST TO
Tonnessen et al.	: PARTICIPATE IN THE PATENT
Application No.: 13/378,555	: PROSECUTION HIGHWAY
Filed: December 15, 2011	: PROGRAM AND PETITION
Attorney Docket No.: 016862-0159	: TO MAKE SPECIAL UNDER
For: WELL TOOL AND METHOD FOR IN SITU INTRODUCTION OF A TREATMENT FLUID INTO AN ANNULUS IN A WELL	: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 18, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the

English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED
FEB 10 2012
OFFICE OF PETITIONS

DOV ROSENFELD
5507 COLLEGE AVE
SUITE 2
OAKLAND CA 94618

In re Application of	: DECISION ON REQUEST TO
Kozo TAGAWA	: PARTICIPATE IN PPH PROGRAM
Application No. 13/378,870	: AND PETITION TO MAKE SPECIAL
Effective Date: December 16, 2011	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: ITOH101US	:
For: ELECTRONIC VOTING SYSTEM	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 16, 2011 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO (Japanese Patent Office);

(2) applicant must submit a copy of the allowable/patentable claim(s) from the 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 allowability/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.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to Technology Center Art Unit 3621 for action commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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DOV ROSENFELD
5507 COLLEGE AVE
SUITE 2
OAKLAND CA 94618

In re Application of	: DECISION ON REQUEST TO
Kozo TAGAWA	: PARTICIPATE IN PPH PROGRAM
Application No. 13/378,870	: AND PETITION TO MAKE SPECIAL
Effective Date: December 16, 2011	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: ITOH101US	:
For: ELECTRONIC VOTING SYSTEM	

This is a modified decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 16, 2011 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO (Korean Intellectual Property Office);

(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 allowability/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.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to Technology Center Art Unit 3621 for action commensurate with this decision.

Thurman K. Page

David Bucci
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:		Filing date:	
First Named Inventor:	Guy THILLEN		
Title of the Invention:	Sealing Valve Arrangement for a Shaft Furnace Charging Installation		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/059544

The international filing date of the corresponding PCT application(s) is/are: 05 JULY 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	Guy THILLEN

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

- [x] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- [x] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 through15	1 through15	Substantially similar, except dependency modified per U.S. practice.
16	1+2+3	US claim 16 is a combination of PCT claims 1, 2, and 3
17	1+2+4	US claim 17 is a combination of PCT claims 1, 2, and 4
18	1+2+3+4	US claim 18 is a combination of PCT claims 1, 2, 3 and 4
19	1+2+5	US claim 19 is a combination of PCT claims 1, 2, and 5
20	1+3+5	US claim 20 is a combination of PCT claims 1, 3, and 5

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /DANIEL F. DREXLER/	Date 21 Dec. 2011
Name (Print/Typed) Daniel Drexler	Registration Number 47535

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

BALLARD SPAHR, LLP
999 PEACHTREE STREET
SUITE 1000
ATLANTA, GA 30309-3915

MAILED
APR 11 2012
OFFICE OF PETITIONS

In re Application of
Colin Irvin Wong
Application No.: 13/379,811
Filed: 21 December 2011
Attorney Docket No.: 07121.0019U1
For: MAPPING CONCENTRATIONS OF AIRBORNE MATTER

: 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 21 December 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 CIPO, 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 CIPO, 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 CIPO, 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 CIPO 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 CIPO 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: the all office action(s) from of each of the CIPO application(s) containing the allowable/patentable claim(s)
   b. An English language translation of the CIPO 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 CIPO examiner in the CIPO 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 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 April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Modified PTO/SB/20PCT-SE (06-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE SWEDISH PATENT AND REGISTRATION OFFICE (PRV) AND THE USPTO

Application No.:	13/380,211	Filing Date:	December 22, 2011
First Named Inventor:	Truls FALLET	Attorney Docket No.:	2011_2032A
Title of the Invention:	A POWER GENERATING APPARATUS WITH AN ANNULAR 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/NO2010/000243

The international date of the corresponding PCT application(s) is/are: June 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)

[X] is attached.
[ ] is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

[X] is attached.
[ ] is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

[X] is attached.
[ ] Has already been filed in the above-identified U.S. application on _____.

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

[X] Are attached.
[ ] Have already been filed in the above-identified U.S. application on _____.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Modified PTO/SB/20PCT-SE (06-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE PRV AND THE USPTO
(continued)

Application No.:	13/380,211
First Named Inventor:	Truls FALLET

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
11	1	Direct correspondence
12	2	Direct correspondence
13	3	Direct correspondence
14	4	Direct correspondence
15	5	Direct correspondence
16	6	Direct correspondence
17	7	Direct correspondence
18	8	Direct correspondence
19	9	Direct correspondence
20	10	Direct correspondence
21	11	Direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Kenneth W. Fields/ 2012.01.27 15:48:51 -05'00'	Date: January 27, 2012
Name: (Print/Type) Kenneth W. Fields	Registration No. 52,430

The Swedish Patent Office
PCT International Application

PCT / NO 2010 / 000243
16 -08- 2011

CLAIMS

1. A power generating apparatus, for generating power from a fluid flowing in a pipe (12), including a cylindrical body (13), and an annular turbine (4) with turbine blades (4a) for driving an electric generator,
characterized in:
magnetic bearings and/or fluid bearings (8, 9, 10) for supporting the turbine (4);
a central flow passage (17) extending through the entire power generating apparatus;
an inlet cyclone (1b) including a first static flow shaper (1) with one or more guide vanes and a cyclone chamber (2) to concentrate contamination of solid particles in a flow along an outer circumference of the apparatus.

2. The apparatus according to claim 1 further including second static flow shapers (3) to further accelerate the flow of fluid to provide a rotating flow that will impinge on the turbine blades (4a) to rotate the turbine (4).

3. The apparatus according to claim 1 wherein the central flow passage (17) of the cylindrical body (13) is 100 mm in inner diameter for allowing the passing of downhole tools.

4. The apparatus according to claim 1, wherein the bearings are fluid bearings, and fluid for the fluid bearings (8, 9, 10) is substantially solid free fluid leaving the cyclone chamber (2).

5. The apparatus according to claim 4, wherein the fluid bearings (8, 9, 10) are both radial and thrust supporting fluid bearings that move the turbine (4) towards a radial and an axial central position.

6. The apparatus according to claim 4, wherein the fluid pressure for the radial and thrust supporting fluid bearings (8, 9, 10) is provided by the pressure differential between an inlet side and an outlet side across the turbine (4).

7. The apparatus according to claim 2, were the second static flow shapers (3) are designed to form a fluid flow rotating almost without any component of flow in an axial direction in relation to the longitudinal direction of the apparatus to optimize fluid angle of attack and to minimize thrust forces and a net radial bearing force.

8. The apparatus according to claim 1, wherein leading and trailing edges of the turbine (4) blades are symmetrical.

9. The apparatus according to claim 1, wherein the turbine (4) and a stator are magnetically balanced to provide radial suspension reducing radial bearing requirements.

10. The apparatus according to claim 1, wherein the cylindrical body (13) is designed to be locked into the pipe (12), and can be inserted into the pipe (12) on a wire line or coiled tubing.

11. The apparatus according to claim 1, further including an electronic power controller and/or control means to alter the ratio of flow between the turbine (4) and the central flow passage (17).

BRYN AARFLOT AS

17 OKT 2011

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Bryn Aarflot AS
P.O. Box 449, Sentrum
N-0104 Oslo
Norge

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing *(day/month/year)*	12-10-2011
Applicant's or agent's file reference 119033/JH	IMPORTANT NOTIFICATION

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/NO2010/000243	24-06-2010	03-07-2009

Applicant
Sinvent AS
et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in som Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide.*

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, intentive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see Also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/	Authorized officer
Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Telex 17978 PATOREG-S Facsimile No. 08-667 72 88	Britt-Marie Little Telephone No. 08-782 25 00

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 119033/JH	**FOR FURTHER ACTION** See Form PCT/IPEA/416	
International application No. PCT/NO2010/000243	International filing date *(day/month/year)* 24-06-2010	Priority date *(day/month/year)* 03-07-2009
International Patent Classification (IPC) or national classification and IPC See Supplemental Box		
Applicant Sinvent AS et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *(sent to the applicant and to the International Bureau)* a total of 2 sheets, as follows:
      - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
   - ☒ Box No. I — Basis of the report
   - ☐ Box No. II — Priority
   - ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☐ Box No. IV — Lack of unity of invention
   - ☒ Box No. V — Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI — Certain documents cited
   - ☐ Box No. VII — Certain defects in the international application
   - ☐ Box No. VIII — Certain observations on the international application

Date of submission of the demand	Date of completion of this report
03-05-2011	04-10-2011
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer Christer Bäcknert / EÖ Telephone No. +46 8 782 25 00

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: Cover sheet

International patent classification (IPC)
E21B 41/00 (2006.01)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/NO2010/000243

Box No. I **Basis of the report**

1. With regard to the **language**, this report is based on:
   - [x] the international application in the language in which it was filed.
   - [ ] a translation of the international application into _____ which is the language of a translation furnished for the purposes of:
     - [ ] international search (Rules 12.3(a) and 23.1(b)).
     - [ ] publication of the international application (Rule 12.4(a)).
     - [ ] international preliminary examination (Rules 55.2(a) and/or 55.3(a)).

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*
   - [ ] the international application as originally filed/furnished.
   - [x] the description:
     - pages 1-11 as originally filed/furnished.
     - pages* _____ received by this Authority on _____
     - pages* _____ received by this Authority on _____
   - [x] the claims:
     - pages _____ as originally filed/furnished.
     - pages* _____ as amended (together with any statement) under Article 19
     - pages* 1-2 received by this Authority on 16.08.2011
     - pages* _____ received by this Authority on _____
   - [x] the drawings:
     - pages 1-6 as originally filed/furnished.
     - pages* _____ received by this Authority on _____
     - pages* _____ received by this Authority on _____
   - [ ] a sequence listing – see Supplemental Box Relating to Sequence Listing.

3. [ ] The amendments have resulted in the cancellation of:
   - [ ] the description, pages _____
   - [ ] the claims, Nos. _____
   - [ ] the drawings, sheets/figs _____
   - [ ] the sequence listing *(specify)*: _____

4. [ ] This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-*bis*)).
   - [ ] the description, pages _____
   - [ ] the claims, Nos. _____
   - [ ] the drawings, sheets/figs _____
   - [ ] the sequence listing *(specify)*: _____

5. [ ] This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

6. [ ] Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45*bis*.8(b) and (c)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/NO2010/000243

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Documents cited in the International Search Report:
D1: US7537051 B1
D2: WO2007094685 A1
D3: EP0747568 B1

The cited documents represent the general state of the art.

The invention defined in claims 1-11 is not disclosed by these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed power generating apparatus for generating power from a fluid flowing in a pipe and incorporating a cyclone for removing contamination of solid particles in the fluid flow, before it impinges on turbine blades. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-11 is novel and is considered to involve an inventive step.

The invention is industrially applicable.

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

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Application of
HIRANO, Hiromi
Application No.: 13/380,745
Filed: December 23, 2011
Attorney Docket No.: Q128224
For: INFORMATION RETRIEVING APPARATUS, INFORMATION RETRIEVING METHOD, INFORMATION RETRIEVING PROGRAM, AND RECORDING MEDIUM ON WHICH INFORMATION RETRIEVING PROGRAM IS RECORDED

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 23, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to JoAnne Burke 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.

David Bucci
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.:	13/381,362	Filing Date:	December 28, 2011
First Named Inventor:	Michio Komatsu		
Attorney Docket No.:	CS-11-111228		
Title of the Invention:	Wood Powder-Containing Resin Molded Product and Method for Producing the Same		

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: 2009-153439 and 2009-153440

The filing date of the JPO application(s) is/are: June 29, 2009 (for both JPO applications)

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 December 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 December 28, 2011

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

(continued)

Application No.:	13/381,362
First Named Inventor:	Michio Komatsu

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JPO Application	Explanation regarding the correspondence
14	1	Allowed in JP 2009-153493 (claims are identical)
15	2	Allowed in JP 2009-153493 (claims are identical)
16	3	Allowed in JP 2009-153493 (claims are identical)
17	1	Allowed in JP 2009-153440 (claims are identical)
18	2	Allowed in JP 2009-153440 (claims are identical)
19	3	Allowed in JP 2009-153440 (identical except for dependency)
20	4	Allowed in JP 2009-153440 (identical except for dependency)
		It is noted that both JP 2009-153493 and JP 2009-153440 have
		been allowed. The claims of JP 2009-153493 were amended
		in response to an Office Action (attached herewith), and granted
		on February 8, 2011. The claims of JP 2009-153440 were
		allowed on October 25, 2011 without amendments, although an
		Office Action and a Decision of Refusal (attached herewith) were
		issued; the claims were then allowed on Appeal.

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.

Signature /pag/	Date December 29, 2011
Name (Print/Typed) Paul A. Guss	Registration Number 33099

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAUL A. GUSS
PAUL A. GUSS ATTORNEY AT LAW
1211 South Eads Street
No. 1502
ARLINGTON VA 22202

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of
Michio KOMATSU
Application No.: 13/381,362
Filed: December 28, 2011
Attorney Docket No.: CS-11-111228
For: WOOD POWDER-CONTAINING RESIN MOLDED PRODUCT 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 December 29, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110622

DATE : June 23, 2011

TO SPE OF : ART UNIT 2917

SUBJECT : Request for Certificate of Correction on Patent No.: D365,745

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** — All changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments:

/PHILIP S HYDER/
Supervisory Patent Examiner, Art Unit 2917

Best Available Copy

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571)272-0423
Fax-(571)270-9942

Donald J. Ranft
Collen IP, Intellectual Property Law, P.C.
80 South Highland Ave.
Ossining, NY 10562

MD/mt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110316

DATE : March 15, 2011

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D477868

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/IAN SIMMONS/
Supervisory Patent Examiner.Art Unit 2916

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SEP 09 2010

OFFICE OF PETITIONS

NEAL L. SLIFKIN, ESQ.
HARRIS BEACH LLP
99 GARNSEY ROAD
ROCHESTER, NY 14534

In re Patent No. D501,826	:	
Issued: February 15, 2005	:	
Application No. 29/157,444	:	NOTICE
Filed: March 19, 2002	:	
Attorney Docket No.: 187680	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

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NOV 04 2011

OFFICE OF PETITIONS

In re Patent No. D478276
Issue Date: August 12, 2003
Application No. 29/165,045
Filed: August 2, 2002
Attorney Docket No. MOBS ET AL-2 (DESIGN)

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 23, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent 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) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

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OFFICE OF PETITIONS

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Patent No. D481744
Issue Date: November 4, 2003
Application No. 29/165,046
Filed: August 2, 2002
Attorney Docket No. KURTH ET AL-4 (DESIGN)

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 23, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent 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) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

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NOV 04 2011

OFFICE OF PETITIONS

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Patent No. D497924
Issue Date: November 2, 2004
Application No. 29/186,315
Filed: July 14, 2003
Attorney Docket No. KURTH ET AL-4 (DES.)

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 23, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent 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) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Reese Taylor, Esq.
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor, First National Tower
Akron OH 44308-1456

MAILED
DEC 06 2010
OFFICE OF PETITIONS

In re Application of :
MARK E. ROSENKRANZ ET AL. :
Application No. 29/190,039 : DECISION ON PETITION
Filed: September 15, 2003 :
Attorney Docket No. **03222** :

This is a decision on the petition, filed August 5, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

This application was held abandoned for failure to timely pay the issue fee on or before July 14, 2004, as required by the Notice of Allowance and Fee(s) Due, mailed April 14, 2004. A Notice of Abandonment was mailed on September 1, 2004.

Petitioner has acknowledged receipt of the Notice of Abandonment. See item (4) in the instant petition. However, as the petition to withdraw the holding of abandonment was not filed within two (2) months of the mailed date of the Notice of Abandonment, the instant petition will not be treated on its merits as it is not accompanied by a terminal disclaimer under 37 CFR 1.321(a), and the required fee set forth in 37 CFR 1.20(d). See MPEP § 711.03(c)(C)(1)(a). A copy of the form PTO/SB/63 is enclosed for petitioner's use.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Attachment: Blank Terminal Disclaimer Form (PTO/SB/63)

PTO/SB/63 (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 a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____	_____
Signature	Date
_____	_____
Typed or Printed Name	Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. 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 minutes 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.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Reese Taylor, Esq.
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor, First National Tower
Akron OH 44308-1456

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
MARK E. ROSENKRANZ ET AL.	:	
Application No. 29/190,039	:	DECISION ON PETITION
Filed: September 15, 2003	:	
Attorney Docket No. **03222**	:	

This is a decision on the renewed petition, filed December 29, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue fee on or before July 14, 2004, as required by the Notice of Allowance and Fee(s) Due, mailed April 14, 2004. A Notice of Abandonment was mailed on September 1, 2004.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of the postcard receipt which acknowledges receipt of the reply by the U.S. Patent and Trademark Office (USPTO) on July 15, 2004.

The reply acknowledged as having been received in the USPTO on July 15, 2004, is not of record in the application. Accordingly, it is concluded that the reply was timely received in the USPTO but was not properly placed in the file record of the instant application.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Data Management to be processed into a patent.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : August 15, 2011

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29205396 Patent No.: D520643

CofC mailroom date: Aug. 3, 2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

_____

_____
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: The drawings on the patent are the same as the ones in the Request for Correction. The patent drawings are not annotated as stated in the Request.

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER 2911

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

Pro-Techtor International Services
20775 Norada Ct.
Satatoga, CA 95070

MAILED
DEC 13 2010
OFFICE OF PETITIONS

In re Application of :
Emily Lo :
Application No. 29/207,410 :
Filed: June 12, 2004 :
Attorney Docket Number: 1212016 :
Title: Paper Guide Plate for :
Shredding Machine :

DECISION ON SECOND RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

This is a decision on the second renewed petition, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application, filed on July 19, 2010.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed January 31, 2006, which set a shortened statutory period for reply of three months. A response was received on March 15, 2006, however the fees were not included. No extensions of time are permitted for transmitting issue fees.[1] Accordingly, the above-identified application became abandoned on May 2, 2006. A Notice of Abandonment was mailed on June 27, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The

1 See MPEP § 710.02(e).

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 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on September 14, 2006, and was dismissed via the mailing of a decision on January 19, 2007.

A renewed petition was filed on June 1, 2010 and supplemented on June 25, 2010. The renewed petition was dismissed via the mailing of a decision on June 28, 2010.

Office records reflect that the issue fee was charged to Deposit Account No. 16-2497 on January 19, 2007 and the fee associated with the filing of a terminal disclaimer was charged to this Deposit Account on June 28, 2010.

With this second renewed petition, Petitioner has included the proper statement of unintentional delay and an executed terminal disclaimer.

The record (including the petitions and related supplement filed on September 14, 2006, June 1, 2010, June 25, 2010, and July 19, 2010) does not necessitate a finding that the delay between midnight on May 1, 2006 (the date of abandonment) and July 19, 2010 (the date of the filing of grantable petition), was not unintentional. Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner (Emily Lo) and her Counsel (Ralph Willgohs, Reg. No. 48,800) when accepting Petitioner's representation that the over four-year delay in filing a grantable petition <u>was</u> unintentional.[2]

The terminal disclaimer filed on July 19, 2010 under 37 C.F.R. § 1.137(d) has been entered and made of record.

---

[2] <u>See</u> <u>Changes to Patent Practice and Procedure</u>, 62 <u>Fed. Reg.</u> at 53160 and 53178, 1203 <u>Off. Gaz. Pat. Office</u> at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

As such, requirements one through four of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[3]

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[4] All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

3 See Rule 1.137(d).
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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

Neal L. Slifkin
99 Garnsey Road
Pittsford NY 14534

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Patent No. D512378
Issue Date: December 6, 2005
Application No. 29/212,668
Filed: September 3, 2004
Attorney Docket No. 207040

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.27(g)(2), which is being treated under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3213.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
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

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Jacobus Constantijn Heijdenrijk	:	
Application No. 29/215,809	:	DECISION ON PETITION
Filed: October 25, 2004	:	TO WITHDRAW
Attorney Docket No. 079811-0208	:	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 November 12, 2010.

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 the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided 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
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Patent No: D535023
Issue Date: January 9, 2007
Appl. No: 29/216698
Filed: November 8, 2004
For: Correction of Inventorship

This is a decision on the petition filed June 23, 2010, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Ian Simmons/

Ian Simmons
Supervisory Patent Examiner Art Unit 2916
Technology Center 2900

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.
29/216,698	11/08/2004	Gregory Scott Smart	4398-386	5461

23117 7590 08/19/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
LEE, CHRISTOPHER

ART UNIT	PAPER NUMBER
2916	

MAIL DATE	DELIVERY MODE
08/19/2011	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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110815

DATE : August 12, 2011

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D535023

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/IAN SIMMONS/
Supervisory Patent Examiner.Art Unit 2916

8-10-2010

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Patent No : D515,772 S
Application No: 29/217,245
Issued : Februay 28, 2006
Inventor : Cole A. Cumpton, et. al.
Title :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction, for the above-identified patent under the provision of Rule 1.322 or 1.323.

Respecting the alleged error, on the title page item (30), acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). none of the: certified copies of the priority documents have been received. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 or 255 the Code of Federal Regulation (C.F.R.) R1.322 or R1.323.

In view of the foregoing, your request is hereby denied.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch. Any response must be filed within a four week period.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1583 or 1580

Jaspser W. Dockrey
Brinks Hofer Gilson & Lione
P.O. Box Box 10395
Chicago, Illinois 60610

ej

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101019

DATE : October 19, 2010

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction on Patent No.: D514274

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☒ **Denied** State the reasons for denial below.

Comments:

"Raymond" is spelled correctly on the title page (the page preceeding the figure descriptions). "Raymond" appears to be spelled correctly throughout the application papers, except in the Oath, page 2.

SPE: Cathron C. Brooks **Art Unit** 2911
CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

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

TIMOTHY J. OLSON
WIGGIN AND DANA
ONE CENTURY TOWER
P.O. BOX 1832
NEW HAVEN CT 06508-1832

MAILED

AUG 3 0 2010

OFFICE OF PETITIONS

In re Patent No. D533,142	:	
Issued: December 5, 2006	:	
Application No. 29/217,437	:	ON PETITION
Filed: November 17, 2004	:	
Attorney Docket No. 102690-100	:	

This is a decision on the petition, filed July 26, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of Certificate of Correction.

The request is **DISMISSED**.

37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but prior to issuance of a patent.

U.S. Patent and Trademark Office assignment records disclose that the current assignee is "Ultra Electronics Measurement Systems, Inc." Although petitioner states that the name of the assignee is now "Measurement Systems, Inc.," a certificate of correction cannot be issued as the new name has not been submitted for recordation. *See* MPEP Section 307.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

[1] *See* Official Gazette of June 22, 2004

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

TIMOTHY J. OLSON
WIGGIN AND DANA
ONE CENTURY TOWER
P.O. BOX 1832
NEW HAVEN CT 06508-1832

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Patent No. D533,142	:	
Issued: December 5, 2006	:	
Application No. 29/217,437	:	ON PETITION
Filed: November 17, 2004	:	
Attorney Docket No. 102690-100	:	

This is a decision on the renewed petition, filed March 2, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the issued patent by way of a Certificate of Correction.

The petition is **DISMISSED**.

37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but ***prior to issuance of a patent***. Patent and Trademark Office assignment records disclose that an corrective assignment, changing the assignee's name from "Ultra Electronics Measurement Systems, Inc." to "Measurement Systems, Inc." was recorded on March 2, 2011, after the date of issuance of this patent.

Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper. *See* MPEP Section 307.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

[1] *See* Official Gazette of June 22, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
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MAILED

AUG 13 2010

OFFICE OF PETITIONS

HARRIS BEACH LLP
99 GARNSEY ROAD
PITTSFORD, NY 14534

In re Patent No. D514069	:	
Issue Date: January 31, 2006	:	
Application No. 29/217,499	:	NOTICE
Filed: November 18, 2004	:	
Attorney Docket No.		

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. D523,164
Patented: June 13, 2006

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above-identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Peter Ng (US)

/Cathron C. Brooks/

Cathron C. Brooks
Supervisory Patent Examiner
Art Unit 2911
Technology Center 2900

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

FOLEY & LARDNER
555 South Flower Street
Suite 3500
Los Angeles, CA 90071-2411

In re Patent No. D523,164
Issue Date: June 13, 2006
Appl. No: 29/220,597
Filed: January 03,2005
For: Correction of Inventorship

This is a decision on the petition filed October 5, 2011, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Cathron C. Brooks/

Cathron C. Brooks
Supervisory Patent Examiner Art Unit 2911
Technology Center 2900

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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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

MAILED

JAN 23 2012

OFFICE OF PETITIONS

In re Application of	:	
Lee	:	
Application No. 29/222,106	:	ON PETITION
Filed: January 27, 2005	:	
Attorney Docket No. CU-6719 WWP	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 16, 2009, to revive the above-identified application.

The application became abandoned October 20, 2005 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due and the Notice of Allowability (Notices) mailed July 19, 2005. The Notices set a three month statutory period of time for reply. Notice of Abandonment was mailed December 7, 2005. A petition under 37 CFR 1.137(b) was filed September 22, 2008 and dismissed December 16, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D).

The above-identified application has been reviewed and found in compliance with the requirements set forth above.

Accordingly, the instant petition is hereby **GRANTED**.

This application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SOFER & HAROUN LLP.
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of
Olivier Ruat
Application No. 29/225,504
Filed: March 16, 2005
Attorney Docket No. 979-125

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 11, 2011 and the Supplemental petition filed July 21, 2011, to revive the above-identified application.

Petitioner asserts that "Applicants separately note that the requirements of 37 CFR 1.137(b)(1) – require the response which in this case is a revised Oath." Petitioner further asserts "However, the client has just for the first time learned of this requirement."

The Notice of Allowability mailed November 29, 2006 clearly notes that a substitute oath or declaration must be submitted (copy enclosed).

The petition is **GRANTED**.

This application became abandoned for failure to timely submit a substitute Oath or Declaration on or before February 28, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed November 29, 2006. Accordingly, the date of abandonment of this application is March 1, 2007. A Notice of Abandonment was mailed April 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a substitute Declaration, (2) the petition fee of $1,620.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer with the accompanying $140.00 fee.

Additionally, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Petitioner's deposit account has been charged the required large entity $1,620.00 petition fee as authorized.

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Publishing Division for processing into a patent and review of the substitute Declaration submitted on July 21, 2011.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: copy of November 26, 2006 Notice of Allowability

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.
29/226,654	03/30/2005	Sergey Yury Zaderey	44500/254:3	7807

3528 7590 03/23/2011
STOEL RIVES LLP - PDX
900 SW FIFTH AVENUE
SUITE 2600
PORTLAND, OR 97204-1268

EXAMINER
LEVY, MELANIE S

ART UNIT	PAPER NUMBER
2916	

MAIL DATE	DELIVERY MODE
03/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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Stoel Rives LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204-1268

3/23/11

Application of	:
Zaderey	:
Application No. 29/226,654	: PETITION DECISION
Filed: March 30, 2005	:
For: RETICLE WITH AIMING LINES AND CIRCLE	:
FOR A WEAPON AIMING DEVICE	:
Attorney Docket No. 44500/200:54B	:

This is a decision on the petition under 37 CFR 1.181(a) filed May 15, 2007, requesting: (1) review by the Director of Technology Center 2900 of the examiner's action denying applicant's claim to the benefit of prior provisional application 60/626,987 under 35 U.S.C. 120 and (2) entry of the amendment filed July 15, 2006 adding the benefit claim to the provisional application.

The petition is **DISMISSED**.

BACKGROUND

The above-identified application was filed on March 30, 2005, with a related applications paragraph stating that the application "is related to U.S. Provisional Patent Application No. 60/626,987, filed November 10, 2004." On July 15, 2006, applicant filed, *inter alia*, an application data sheet indicating that the application is a continuation-in-part of application No. 60/626,987, and an amendment including a substitute specification which revised the related applications paragraph to state that the application "is a continuation-in-part under 35 U.S.C. § 120 of U.S. Provisional Patent Application No. 60/626,987, filed November 10, 2004." On July 25, 2006, a Notice of Allowability was mailed which included an examiner's amendment deleting this statement from the specification and the bibliographic data sheet on the basis that design applications cannot claim benefit to a provisional application.

On October 4, 2006, petitioner requested reconsideration of the examiner's refusal to enter the benefit claim under 35 U.S.C. 120 of provisional application No. 60/626,697 and the examiner's deletion of the related applications paragraph from the specification by examiner's amendment. Thereafter, on October 24, 2006, concurrently with the payment of the issue fee, a petition under 37 CFR 1.181, or in the alternative under 37 CFR 1.182, was filed. In a decision mailed on

November 3, 2006, the Office of Petitions considered the petition only under 37 CFR 1.182, dismissed it without prejudice to renewal, and referred the application to the Technology Center for treatment of the petition under 37 CFR 1.181. The petition under 37 CFR 1.181 was dismissed by William Krynski, Quality Assurance Specialist for Technology Center 1700/2900, in a decision mailed on March 7, 2007.

On May 15, 2007, petitioner requested reconsideration by the Director of Technology Center 2900 of the March 7, 2007 decision. The application also issued as a patent on May 15, 2007.

DECISION

Currently, 37 CFR 1.78(a)(4)-(a)(6) set forth the conditions for a nonprovisional application to claim the benefit of a prior-filed provisional application. 37 CFR 1.78(a)(4) states, in part, that "[a] nonprovisional application, **other than for a design patent**, or an international application designating the United States of America may claim an invention disclosed in one or more prior-filed provisional applications." (Emphasis added.) Similarly, 37 CFR 1.53(c)(4) states, in part, that "[n]o claim for priority under 35 U.S.C. 119(e) or § 1.78(a)(4) may be made in a design application based on a provisional application." Thus, the rules do not permit an application for a design patent to claim the benefit of a prior-filed provisional application. The introduction of provisional applications was a change that was contained in Public Law 103-465. It should be noted that when the rules for implementing Public Law 103-465 were first promulgated, similar language was contained in 37 CFR 1.78(a)(3) and 37 CFR 1.53(b)(2)(iii). In the discussion of the changes to 37 CFR 1.53, the preamble to the final rule indicated that "[t]he section also calls attention to the provisions of Public Law 103-465 which provide that no claim for benefit of an earlier filing date may be made in a design application based on a provisional application." *See Changes to Implement 20-Year Patent Term and Provisional Applications*, 60 FR 20195 (Apr. 25, 1995)(final rule).

The current (and former) rules regarding claiming the benefit of a prior-filed provisional application are consistent with the statute. 35 U.S.C. 172 states:

> The right of priority provided for by subsections (a) through (d) of section 119 of this title and the time specified in section 102(d) shall be six months in the case of designs. The right of priority provided for by section 119(e) of this title shall not apply to designs.

The language "right of priority provided for by section 119(e)" refers to the right to claim the benefit of an earlier filing date of a provisional application, regardless of the statutory provision by which such a claim is made. The language of section 172 does not address the manner by which the priority claim cannot be made. Instead, it identifies the type of benefit that is not available to design patent applicants, regardless how this benefit is sought. The express language of section 172 evidences that the prohibition prevents a design application from enjoying the benefit of the filing date of a provisional application. Therefore, the right to claim the benefit of an earlier filing date of a provisional application does not apply to design applications regardless if the claim is made under 35 U.S.C. 119(e) or 120.

Prior to Public Law 103-465, the right to claim the benefit of an earlier filing date of a provisional application did not exist because the term for a patent was measured from its issue date, not its filing date. The changes made by Public Law 103-465 included, *inter alia*, amending 35 U.S.C. 154 to provide for a 20-year patent term measured from the filing date of the application, amending 35 U.S.C. 111 to provide for provisional applications so U.S. applicants would be on the same footing as foreign applicants with respect to claiming a year of priority that does not count against their term, amending 35 U.S.C. 119 to add paragraph (e), and, as a conforming change, amending 35 U.S.C. 172 to add the second sentence that prohibits design patent applications from enjoying the benefit of a provisional application's filing date. Contrary to utility and plant patents, Public Law 103-465 did not change the term of a design patent set forth in 35 U.S.C. 173. Design patents retained the patent term of fourteen years from the date of grant.

A review of the legislative history of Public Law 103-465 reveals that it supports the rules promulgated by the Office and the Office's interpretation of the statute. The legislative history indicates that 35 U.S.C. 119 was amended to establish a domestic priority system to ensure that applicants who originally file in the United States would not placed at a disadvantage with respect to their patent term relative to applicants who first file in a foreign country. Specifically, with respect to the changes to 35 U.S.C. 119, the Statement of Administrative Action for Public Law 103-465 stated the following:

> Section 532(b)(1) of the bill amends section 119 of title 35 to establish a domestic priority system. Claims to domestic priority will be made possible through the use of the provisional application system established by section 532(b)(3) of the bill. Provision of a domestic priority right is important to ensure that applicants who originally file in the United States are not placed at a disadvantage in relation to applicants who file originally in foreign countries. As noted above, the Paris Convention precludes the United States from including in the measurement of patent term any period of time attributable to a claim for priority under 119, 365(a), or 365(b) of Title 35. The new section 119(e) extends this right to applicants that file in the United States a provisional application under section 111(b) of title 35. This will provide applicants who take advantage of this section a period of up to 12 months in which to file the formal application but claim priority based on the provisional application filed in the United States, which period will not be included in the calculation of patent term.

In view of the above, it is clear that Congress did not intend design applications to be able to obtain any right of priority from a provisional application. Permitting a design application to claim the benefit of a provisional application would not do anything to ensure that applicants who originally file in the United States are not placed at a disadvantage in relation to applicants who originally file in foreign countries, which was the reason behind the establishment of a domestic priority system. This is because the term of a design patent was not changed by Public Law 103-465. Provisional patent applications place domestic applicants on equal footing with foreign applicants because the domestic priority period, like the foreign priority period, is not counted in the measurement of patent term - term that is now measured from the date of filing. Furthermore, if a nonprovisional utility application claims the benefit of a prior-filed provisional application under 35 U.S.C. 120 rather than under 35 U.S.C. 119(e), the term of any patent to issue on that application would be measured from the filing date of the provisional application.

Thus, a utility applicant who chooses to claim the benefit of a provisional application under 35 U.S.C. 120 rather than 35 U.S.C. 119(e) is also choosing to give up patent term. On the other hand, a design applicant could not give up any patent term if a design application were permitted to claim the benefit of a provisional application under 35 U.S.C. 120 since the patent term of a design patent would still be measured from the date of patent grant. Thus, a design application is not permitted to claim the benefit of a provisional application under 35 U.S.C. 119(e) or 120. It would be inconsistent with the statute as well as the legislative history and policy behind the establishment of provisional applications.

In the notice of proposed rule making for the implementation of Public Law 103-465, it was stated that the changes contained in the House and Senate bills, which became Public Law 103-465, do not apply to design patents. *See Changes to Implement 20-Year Patent Term and Provisional Applications*, 59 FR 63951 (Dec. 12, 1994)(proposed rule). Similarly, as discussed above, the final rule also made it clear that a design application could not claim the benefit of a prior provisional application. Furthermore, as acknowledged by petitioner, the Office published Questions and Answers Regarding the GATT Uruguay Round and NAFTA Changes to U.S. Patent Law and Practice, which are posted on the USPTO web site at http://www.uspto.gov/web/offices/com/doc/uruguay.QA.html (Feb. 23, 1995). The answer to Question 40 under the topic of "Provisional Applications" indicated that a provisional application could not be used for a design application since design patents retain the 14-year patent term from grant. Thus, the Office made clear in the initial implementation of Public Law 103-465 that the legislation did not permit a design application to claim the benefit of a provisional application.

With respect to petitioner's arguments, petitioner first argues that the Court of Appeals for the Federal Circuit has held that any patent application complying with the terms of 35 U.S.C. 120 has the right to benefit from the filing date of an earlier application disclosing the invention. Petitioner cites *Racing Strollers, Inc. v. TRI Industries, Inc.,* 878 F. 2d 1418, 11 USPQ2d 1300 (Fed. Cir. 1989) (en banc) and *In re Daniels,* 144 F.3d 1452, 46 USPQ2d 1788 (Fed. Cir. 1998). Petitioner also cites MPEP 1504.20 at page 1500-57 (8th ed., Rev. 5). No citation provided by petitioner supports his position. In *Racing Strollers*, the court merely held that a design patent may claim priority to a utility patent. Similarly, in *Daniels*, the court indicated that 35 U.S.C. 120 applies to design patent applications noting that this was "illustrated in the court's rulings that design and utility patents are each entitled to claim priority from the other," citing *Racing Strollers*. It should be noted that *Racing Strollers* was decided in 1989, which was before the creation of provisional patent applications and the conforming change to 35 U.S.C. 172 in 1995. Therefore, the Federal Circuit could not have held that a design application can claim the benefit of a prior provisional application under 35 U.S.C. 120. Furthermore, MPEP 1504.20, cited by petitioner, states that "[w]here the conditions of 35 U.S.C. 120 are met, a design application may be considered a continuing application of an earlier utility application. Conversely, this also applies to a utility application relying on the benefit of the filing date of an earlier filed design application." These statements are directed to one type of nonprovisional application (i.e., design or utility) claiming the benefit of another type of nonprovisional application (i.e., design or utility) under 35 U.S.C. 120. The MPEP simply does not state that a design patent application can claim the benefit of a prior provisional application under 35 U.S.C. 120. To interpret the MPEP as stating otherwise would require disregarding the explicit language of 37 CFR 1.78(a)(4) and 37 CFR 1.53(c)(4).

Second, petitioner argues that provisional application No. 60/626,987 discloses an embodiment of the claimed design in the manner provided by 35 U.S.C. 112, first paragraph, and that all the requirements for a proper claim under 35 U.S.C. 120 have been satisfied. Since 35 U.S.C. 172 expressly prohibits a design application from enjoying the benefit of a provisional application, regardless of whether the claim is made under 35 U.S.C. 119(e) or 120, the claim for the benefit of the prior provisional application in this design application is not a proper benefit claim under 35 U.S.C. 120.

Third, petitioner argues that 35 U.S.C. 172 does not prohibit a benefit claim to a provisional application under 35 U.S.C. 120. As discussed above, 35 U.S.C. 172 prohibits a benefit claim to a provisional application regardless of whether the benefit claim is made under 35 U.S.C. 119(e) or 120.

Fourth, petitioner argues that commentary published by the Office which suggests that a design patent application may not claim the benefit of a provisional application is merely conclusory, and is not supported by the law or by sound policy reasons. Petitioner cites comments made in the final rule implementing Public Law 103-465 as well as the Questions and Answers document referred to above. Contrary to petitioner's argument, the statements published by the Office that indicate that a design patent application may not claim the benefit of a prior provisional application are supported by the law and sound policy reasons. As discussed above, the commentary is supported by the statute and the legislative history.

Finally, petitioner argues that the Office has recognized that an application may claim the benefit of a prior provisional application under 35 U.S.C. 120. Petitioner refers to MPEP 201.11 and earlier guidelines published by the Office as well as issued patents. Neither MPEP 201.11 nor the earlier guidelines referred to by petitioner state that a design application may claim the benefit of a prior provisional application under 35 U.S.C. 120. The statements in MPEP 201.11 and the earlier guidelines were made with respect to an application entitled to claim the benefit of a provisional application, namely utility or plant nonprovisional applications - applications having their term measured from their filing dates. For example, MPEP 201.11. III. B. begins by referring to a nonprovisional application "entitled to an earlier U.S. effective filing date of one or more provisional applications." This section also states that "it is not recommended that applicants claim the benefit to a provisional application under 35 U.S.C. 120 since such a claim could have the effect of reducing the patent term, as the term of a patent issuing from such an application may be measured from the filing date of the provisional application pursuant to 35 U.S.C. 154(a)(2)." As discussed above, such a reduction of patent term would not be possible for a design patent since the term of a design patent is fourteen years from the date of grant, not from the date of filing. Thus, the Office has only recognized in its rules and procedures that a utility or plant nonprovisional application, an application having its term measured from its effective filing date, may claim the benefit of a prior provisional application under 35 U.S.C. 119(e) or 120. The Office will not comment on any prior utility or design patents that have issued. See MPEP 1701.

Telephone inquiries specific to this matter should be directed to Richard E. Chilcot Jr. at (571) 272-6777.

Robert P. Olszewski, Director
Technology Center 2900
Design Patent

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333 BRIDGE STREET, NW
P.O. BOX 352
GRAND RAPIDS MI 49501-0352

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of :
Byrne : DECISION ON PETITION
Application No. 29/228,624 :
Filed: April 26, 2005 :
Atty. Dkt. No.: Byrne P252US0 :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 14, 2011.

The petition is **GRANTED**.

The application became abandoned August 22, 2008 for failure to timely submit a proper reply to the non-final Office action mailed July 21, 2008. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was timely filed. Notice of Abandonment was mailed February 2, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 2911 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110428

DATE : May 18, 2011

TO SPE OF : ART UNIT 2917

SUBJECT : Request for Certificate of Correction on Patent No.: D536446

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch – ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Hyder S. Philip/ **Art Unit** 2917

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SAMUEL F. CERVINI
593 W. GARDEN RD
VINELAND NJ 08360

MAILED
FEB 02 2011
OFFICE OF PETITIONS

In re Application of :
Samuel Frank Cervini : DECISION ON PETITION
Application Number: 29/234,000 :
Filing Date: 07/12/2005 :
For: WATERFALL CONSOLE :
EXTENSION :

This is a decision on the petition filed on December 3, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on July 19, 2008, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on April 18, 2008, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on August 13, 2008.

Receipt of the issue fee is acknowledged.

The terminal disclaimer filed on December 3, 2008, under 37 CFR 1.137(c) has been entered and made of record. Effective September 8, 2000, 37 CFR 1.137(c)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c).[1] Accordingly, the period of the terminal disclaimer filed on December 3, 2008, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

The application is referred to the Office of Data Management for processing into a patent.

[1] 65 Fed. Reg. 54,674 (2000).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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CHICAGO IL 60606

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NOV 15 2011
OFFICE OF PETITIONS

In re
Schoening, et al.
Application No. 29/236,766
Filed: August 22, 2005
Patent No. D545492
Issued: June 26, 2007

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed October 20, 2011.

The fee deficiency submission under 37 CFR 1.28 of $315, representing $150 for the basic filing fee, $50 for the search fee, and $65 for the examination fee is acknowledged.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

U-29-2011

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Patent No : D523,367 S
Ser. No. : 29/236,817
Inventor(s) : Matthew H. Lawler, et. al.
Issued : June 20, 2006

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid,* including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Edward R. Lawson Jr.
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202-4108

ej

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

In re Patent No. D523367	:	
Issue Date: June 20, 2006	:	
Application No. 29/236,817	:	DECISION ON PETITION
Filed: August 23, 2005	:	
Attorney Docket No. 074408-9006-01	:	

This is a decision on the Request To Correct Assignee Pursuant To 37 C.F.R. §3.81(b), filed February 17, 2009, which is being treated as Petition Under 37 CFR §3.81(b), to identify the correct assignee's name. A completed Certificate of Correction Form PTO/SB/44 was previously submitted.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct the assignee's name identified thereon from:

"Cesaroni Design Associates, Inc. Glenview, IL (US)"

to:

--Pelstar LLC, Bridgeview, IL (US)--

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), has been submitted. However, the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), is required. Therefore, since the petition was accompanied deposit account authorization, the fee has been charged. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form previously submitted.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. D523367.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York, NY 10017

MAILED

AUG 24 2010

OFFICE OF PETITIONS

In re Application of :
Olivier Boclet :
Application No. 29/237,785 :
Filed: September 7, 2005 :
Attorney Docket No. REXM 0506162 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on September 17, 2008 to revive the above-identified application.

In response to the decision mailed July 18, 2008, petitioner submits the present renewed petition along with a terminal disclaimer and $130 fee. Therefore, since the requirements of 37 CFR 1.137(b) have been met, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed September 17, 2008 has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

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DEC 05 2011

OFFICE OF PETITIONS

In re Patent No. D545885
Issued: July 3, 2007
Application No. 29/238,067
Filed: September 9, 2005
Attorney Docket No. 207,196

DECISION ON PETITION
UNDER 37 CFR 1.55

This is a decision on the petition under 37 CFR 1.55, filed November 10, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Application No. EP309075-0002, filed March 11, 2005.

The petition is **DISMISSED**.

For non-provisional applications filed prior to November 29, 2000 and for design applications, a claim for foreign priority may be made up until the time when the patent is granted. Priority claims and certified copies of foreign applications filed after payment of the issue fee will be placed in the application but **will not** be reviewed. See, MPEP 201.14(a).

The instant claim for foreign priority and certified copy of foreign application were not properly submitted prior to the issuance of the patent. Accordingly, the documents submitted post issuance of the patent have been placed in the application file, but have not been reviewed. Further, in view of the failure to submit a certified copy of the foreign application prior to or at the time of issue fee payment, no certificate of correction will be issued.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/16/10

TO SPE OF : ART UNIT 2917

SUBJECT : Request for Certificate of Correction for Appl. No.: 29239538 Patent No.: D54906

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 (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
571-272-3421

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: _____

[signature]
SPE

2917
Art Unit

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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

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In re Patent No. D535170	:	
Issue Date: January 16, 2007	:	
Application No. 29/240,451	:	ON PETITION
Filed: October 12, 2005	:	
Attorney Docket No. PS600914	:	

This is a decision on the renewed petition filed September 30, 2008, under 37 CFR 3.81(b)[1] to correct the assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

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 ZOLLINGER III
P.O. BOX 2368
NORTH CANTON OH 44720

MAILED

FEB 09 2011

OFFICE OF PETITIONS

In re Patent No. D552306 :
Issued: October 2, 2007 :
Application No. 29/240,637 : ON PETITION
Filed: October 15, 2005 :
Attorney Docket No. LS013B0FZUS :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 29, 2010.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 FIFTH AVENUE
16TH FLOOR
NEW YORK NY 10001-7708

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Patent No. D552164	:	
Application No. 29/243,050	:	
Filed: November 17, 2005	:	ON PETITION
Issued: October 2, 2007	:	
Attorney Docket No. 05705/LH	:	

This is a decision on the petition filed October 16, 2009 and January 20, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Petitioner requests that the assignee name be corrected on the above-identified patent by adding the additional assignee name of - -Casio Denshikougyou Kabushiki Kaisha d.b.a. Casio Electronics Manufacturing Co., Ltd. Tokyo (JP)- -

37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid the name and correct address of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name and correct address of an assignee if the assignment was submitted after payment of the issue fee ***but prior to issuance of a patent***. Patent and Trademark Office assignment records disclose that the most current assignment recorded November 17, 2005, Reel 017253 and Frame 0217 states the assignee's name as "CASIO DENSHIKOUGYOU KABUSHIKI KAISHA D.B.A. CASIO ELECTRONICS MANUFACTURING CO., LTD. SAITAMA (JP)". Petitioner has submitted the name of the city as "Tokyo".

Accordingly, since petitioner is requesting a correction of the name of an assignee that has not yet been submitted for recordation to the Assignment Branch, issuance of a certificate of correction would not be proper. *See* MPEP Section 307.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

---

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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220 FIFTH AVENUE
16TH FLOOR
NEW YORK NY 10001-7708

MAILED
AUG 17 2011
OFFICE OF PETITIONS

In re Patent No. D552164	:	
Application No. 29/243,050	:	
Filed: November 17, 2005	:	ON PETITION
Issued: October 2, 2007	:	
Attorney Docket No. 05705/LH	:	

This is a decision on the renewed petition filed August 8, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

MAILED
SEP 20 2011
OFFICE OF PETITIONS

In re Patent No. D561293	:	
Issue Date: February 5, 2008	:	
Application No. 29/243,671	:	NOTICE
Filed: November 29, 2005	:	
Attorney Docket No. NPS-PTO72	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 8, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet 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
www.uspto.gov

David DuBois
4674 Nelson Ct.
Park City UT 84098

In re Application of		JUN 07 2011
DUBOIS, DAVID	:	
Application No. 29/247,913	:	**DECISION ON PETITION**
Filed: July 19, 2006	:	
Attorney Docket No.:	:	

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent and Trademark Office (USPTO) on March 16, 2011.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file formal drawings as required in the Notice of Allowability, mailed November 17, 2009.

Petitioner has submitted a copy of the fax transmittal, one (1) sheet of formal drawings, which acknowledges receipt of the afore-mentioned items on February 17, 2009, as evidenced by the "Office Date" stamp receipt thereon. The formal drawings, acknowledged as having been received on February 17, 2009, are not of record in the application file and cannot be located. However, MPEP 503 states the following:

> A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

Since, the original drawings cannot be located, the drawings resubmitted with the instant petition will be used in place thereof.

Telephone inquires relating to this matter may be directed to the undersigned at 703-756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
JAN 11 2011
OFFICE OF PETITIONS

Paper No.

ARDENT LAW GROUP, P.C.
2600 Michelson, Ste. 1700
Irvine CA 92612

In re Application of	:	
Cheng	:	
Application No. 29/248,143	:	DECISION ON PETITION
Filed: July 31, 2006	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number: Cheng-001	:	
Title: VIOLIN SHOULDER REST	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b)[1], filed on May 12, 2010, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED.**

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed October 19, 2009, which set a shortened statutory period for reply of three months. An after-final amendment was received on January 19, 2010, and an advisory action was mailed on March 9, 2010. A second after-final amendment was received on April 20, 2010, however this submission was not timely made. Accordingly, the above-

1 A grantable petition pursuant to 37 C.F.R § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 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 (d) of this section.

identified application became abandoned on January 20, 2010. A notice of abandonment was mailed on April 30, 2010.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. Petitioner has further submitted an amendment that has been considered by the Examiner. A communication from the Examiner has been included with this decision.

The first, second, and third requirements of Rule 1.137(b) have each been satisfied. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[2]

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received with the present petition can be processed in due course.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[3]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Miscellaneous Office Communication

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2 See Rule 1.137(d).
3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
29248143	7/31/2006	CHENG, DAVID	Cheng-001

EXAMINER
RASHIDA JOHNSON

ART UNIT	PAPER
2916	20101210

DATE MAILED:

ARDENT LAW GROUP, P.C.
2600 Michelson, Ste. 1700
Irvine. CA 92612

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Applicant's amendment filed May 12, 2010 is OK to enter upon revival.

/R. Johnson/
December 10, 2010

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111003

DATE : September 30, 2011

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D591417

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/IAN SIMMONS/
Supervisory Patent Examiner.Art Unit 2916

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/17/2011

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/352992 Patent No.: D538280

CofC mailroom date: 1/17/2011

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

Certificates of Correction Branch
703-756-1571 _____

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: _____

OATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

_____ SPE

2911 Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/5/11

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/254,394 Patent No.: D572,469

CofC mailroom date: 8/19/08

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

RoChaun Johnson
Certificates of Correction Branch
703-756-1580

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: **All** changes apply—Thank you!

/Celia A. Murphy/ — **SPE**

2914 — **Art Unit**

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

Kalow & Springut LLP
488 Madison Avenue
19th Floor
New York, NY 10022

MAILED
JAN 20 2011
OFFICE OF PETITIONS

In re Giovanni Morelli :
Application No.: 29/254,394 : **DECISION**
Filed: February 22, 2006 : **GRANTING**
Patent No.: D572,469 : **PETITION**
Issued: July 8, 2008 :

This is a decision on the August 19, 2008 petition requesting the reprinting of U.S. Patent No. D572,469 pursuant to 37 CFR 1.322(b) ("the August 19, 2008 petition").

The August 19, 2008 petition is before the Office of Patent Legal Administration (OPLA) for consideration.

The August 19, 2008 petition is **granted**.

The Image for U.S. Patent No. D572,469 in the USPTO Patent Full-Text and Image Database maintained by the Office will be updated to include the corrected patent in the form of a Certificate of Correction, in addition to the original, incorrectly printed patent. The Office will also provide a courtesy corrected reprint of U.S. Patent No. D572,469 for patent owner's records

Any inquiry concerning this decision should be directed to Raul Tamayo, Legal Advisor, at (571) 272-7728.

Brian E. Hanlon

Brian E. Hanlon
Director
Office of Patent Legal Administration
Office of the Associate Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DRINKER BIDDLE & REATH LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
CHICAGO IL 60606

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Patent No. D553,793	:	
Issue Date: October 23, 2007	:	
Application No. 29/254,553	:	NOTICE
Filed: February 23, 2006	:	
Attorney Docket No. 086512-9006DES	:	

This is a notice regarding your request, October 20, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110314

DATE : March 14, 2011

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D564487

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/IAN SIMMONS/
Supervisory Patent Examiner.Art Unit 2916

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THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT – IP
SYCAMORE BUILDING – 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202

MAILED

FEB 07 2011

OFFICE OF PETITIONS

In re Application of	:	
WILKINS, et al	:	
Application No. 29/255,889	:	ON PETITION
Filed: March 13, 2006	:	
Attorney Docket No. PD117	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 6, 2009, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file corrected drawings on or before December 8, 2008, as required by the Notice of Allowability for A Design Application (Notice), mailed September 8, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 9, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Continued Prosecution Application (CPA) under 37 CFR 1.53(d); (2) the petition fee of $1620; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of the CPA.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2912 for processing of the CPA.

/Diane C. Goodwyn/
Diane C. 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
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TAKEUCHI & KUBOTERA, LLP
SUITE 202
200 DAINGERFIELD ROAD
ALEXANDRIA VA 22314

MAILED
DEC 10 2010
OFFICE OF PETITIONS

In re Application of	:	
Denpouya, Ikuo	:	
Application No. 29/257,885	:	ON PETITION
Filed: April 13, 2006	:	
Attorney Docket No. DH0601Y	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed November 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner supplied the requisite terminal disclaimer and fee on April 9, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

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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WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
2030 MAIN STREET, SUITE 1300
IRVINE, CA 92614

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of	:	
Kuo-Lin Chang	:	
Application No. 29/258,297	:	ON PETITION
Filed: april 20, 2006	:	
Attorney Docket No. 22709-003DES	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue fee on or before July 30, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed April 30, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 31, 2007. A Notice of Abandonment was mailed on August 23, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

A terminal disclaimer and the $140 terminal disclaimer fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

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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WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
2030 MAIN STREET, SUITE 1300
IRVINE CA 92614

MAILED

NOV 10 2010

OFFICE OF PETITIONS

In re Application of
Kuo-Lin Chang
Application No. 29/258,297
Filed: April 20, 2006
Attorney Docket No. 22709-003DES

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 1, 2010, to revive the above-identified design application.

The application became abandoned for failure to timely pay the issue fee on or before July 30, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed April 30, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 31, 2007. A Notice of Abandonment was mailed on August 23, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $860 issue fee, (2) the petition fee of $1620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

In view of the above, the petition is **GRANTED**.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the office of Data Management at 571-272-4200.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

April M. Wise
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

SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA CA 91791

In re Application of
PETERSON, STEVEN V. et al. :
Application No. 29/259,211 :
Filed: May 4, 2006 :
Attorney Docket No.: 2143828-A :

FEB 15 2011

DECISION ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment under 37 CFR §1.181 received in the United States Patent and Trademark Office (USPTO) on September 13, 2007.

The Petition is **Granted**.

The application was held abandoned for failure to timely file corrected drawings as required by and within the three-month period set in, the Notice of Allowability mailed February 27, 2007. Corrected drawings were not submitted within the time period for response. Therefore, the application was properly held abandoned and the Notice of Abandonment was mailed on June 28, 2007.

Petitioner states that U.S. Patent and Trademark Office mistakenly required corrected drawings on the Notice of Allowability. After consultation with the Examiner, the Office agrees that the drawing requirement was made in error.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquires relating to this matter may be directed to the undersigned at 703-756-1547.

Kay D. Pinkney
Application Assistance Unit
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

BAY AREA TECHNOLGY LAW GROUP PC
500 SANSOME STREET, SUITE 404
SAN FRANCISCO CA 94111

MAILED
SEP 15 2010
OFFICE OF PETITIONS

In re Application of	:	
Lamstein et al.	:	
Application No. 29/259,302	:	DECISION ON PETITION
Filed: May 5, 2006	:	
Attorney Docket No. 545.81	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2010, to revive the above-identified application.

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 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely to submit Corrected Drawings on or before March 10, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed December 10, 2007. Accordingly, the date of abandonment of this application is March 11, 2008. A Notice of Abandonment was mailed June 3, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require

additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4) of the above items.

With respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival. Petitioner has submitted the proper fee, however, the terminal disclaimer states Aaron Lamstein as owner of 100 percent interest in the above-identified application. A review of USPTO assignment records does not reflect an assignment to Aaron Lamstein. Accordingly, the terminal disclaimer is considered improper.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BAY AREA TECHNOLGY LAW GROUP PC
500 SANSOME STREET, SUITE 404
SAN FRANCISCO CA 94111

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of	:	
Lamstein et al.	:	
Application No. 29/259,302	:	DECISION ON PETITION
Filed: May 5, 2006	:	
Attorney Docket No. 545.81	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before March 10, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed December 10, 2007. Accordingly, the date of abandonment of this application is March 11, 2008. A Notice of Abandonment was mailed June 3, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings (previously submitted on July 20, 2010), (2) the petition fee of $810.00 (previously paid July 20, 2010); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer with the accompany $70.00 fee (previously paid June 20, 2010).

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Publishing Division for processing into a patent and review of the Corrected Drawings submitted on October 19, 2010.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : 11/29/10

Patent No. : D616470 S
Patent Issued : 05/25/10
Docket No. : **2005M02396US**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 06/04/10; please see attachments. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/09/10

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29259948 Patent No.: D616470

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 (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

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.
- **X Denied** — State the reasons for denial below.

Comments: The applicant has not provided the foreign priority documents as required by 35 USC 119(b) and 37 CFR 1.55(a).

STELLA M. REID
SUPERVISORY PATENT EXAMINER

SPE

2912
Art Unit

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 10 2011

OFFICE OF PETITIONS

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Application of	:	
TILTON	:	
Application No. 29/261,092	:	DECISION ON PETITION
Filed: June 7, 2006	:	
Attorney Docket No. 77384	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the required issue fee on or before September 25, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed June 25, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 26, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $820 (2) the petition fee of $1540; (3) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

The Terminal Disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for patent processing.

/Diane C. Goodwyn/
Diane C. 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
www.uspto.gov

MAILED
FEB 22 2011
OFFICE OF PETITIONS

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Application of	:
Andrew T. Tilton	: DECISION GRANTING PETITION
Application No. 29/261,092	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: June 7, 2006	:
Attorney Docket No. 1410-77384-US	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed February 21, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on March 13, 2008 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed February 21, 2011.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
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.
29/261,834	06/21/2006	Hermann Grether	052460-17US (M/NEP-014-US	4177

570 7590 04/18/2011
PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER
STEVENS, MAURICE E

ART UNIT	PAPER NUMBER
2911	

NOTIFICATION DATE	DELIVERY MODE
04/18/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomail@panitchlaw.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

April 14, 2011

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

In re Application of :
GRETHER, HERMANN : **DECISION ON PETITION**
Application No. **29/261834** :
Filed: **06/21/2006**
Attorney Docket No **052460-17US (M/NEP-014-US**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 21, 2006.

The petition is **DISMISSED.**

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☑

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/261,834	06/21/2006	Hermann Grether	052460-17US (M/NEP-014-US	4177

7590 05/31/2011
PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER
STEVENS, MAURICE E

ART UNIT	PAPER NUMBER
2911	

NOTIFICATION DATE	DELIVERY MODE
05/31/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

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 26, 2011

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

Re Application of	
GRETHER, HERMANN, ET AL.	: **DECISION ON PETITION**
Application: **29/261834**	: **ACCEPTANCE OF COLOR**
Filed: **06/21/2006**	: **DRAWINGS**
Attorney Docket No: **052460-17US (M/NEP-014-US**	:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 6, 2006.

The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA VA 22320-0160

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Per-Olof Eriksson	:	
Application No. 29/263,279	:	DECISION ON PETITION
Filed: July 20, 2006	:	
Attorney Docket No. 7555/Des	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2010, to revive the above-identified application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4).

With respect to item (4), the terminal disclaimer filed herewith the petition cannot be accepted because it does not comply with 37 CFR 1.137(d). Petitioner has not submitted all the information required for a terminal disclaimer. Form PTO/SB/63 is enclosed.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition

pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: Form PTO/SB/63

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

BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA VA 22320-0160

MAILED

OCT 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Per-Olof Eriksson	:	
Application No. 29/263,279	:	DECISION ON PETITION
Filed: July 20, 2006	:	
Attorney Docket No. 7555/Des	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 1 2010, to revive the above-identified application.

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 -tinder 37 CFR i. i36(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed October 16, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 17, 2007. A Notice of Abandonment was mailed September 19, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1..137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3) of the above items.

With respect to item (3), petitioner contends "A Petition For Revival was filed on February 17, 2010" and a "statement that the entire delay was unintentional in accordance

with 37 CFR 1.137(b)". However, the unintentional statement was signed by former attorney, Steven S. Payne, encompassing that period of delay in filing the required reply from the due date for the reply until the filing of the February 17, 2010 petition. Accordingly, petitioner is required to submit a current statement of unintentional delay concerning the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b). A PTO/SB/64 form is enclosed.

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: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
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) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/64

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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BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA VA 22320-0160

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Per-Olof Eriksson	:	
Application No. 29/263,279	:	DECISION ON PETITION
Filed: July 20, 2006	:	
Attorney Docket No. 7555/Des	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed October 16, 2007, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 17, 2007. A Notice of Abandonment was mailed September 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response to the Restriction Requirement (previously submitted February 17, 2010), (2) the petition fee of $810.00 (previously submitted February 17, 2010), (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer (previously submitted September 1, 2010) and fee of $70.00 (previously submitted February 17, 2010).

The request for a terminal disclaimer is accepted and has been made of record.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional,

petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office. Further, the address given on the petition differs from the new address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2914 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Jens Olsson
Advokatbyrån Gulliksson AB
P.O. Box 4171, Studentgatan 1
SE-203 13 MALMÖ, Sweden

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

Date Mailed : 02/28/12

Patent No. : D589336 S
Patent Issued : **March 31, 2009**
Docket No. : **VGI-40008**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 11/11/11; please see attachments. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703)756-1580

Thomas R. Vigil Law Offices
319 Bluff Court
Barrington IL 60010

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/02/12

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29265886 Patent No.: D577566

CofC mailroom date: 11/11/11

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
[redacted]

Note: **Should the Foreign Application Priority Data be added?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☐ **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

XX Denied — State the reasons for denial below.

Comments: The requested addition of Foreign Priority data is unnecessary. The patent (D589,336) issued with the proper foreign priority data.

/Robert M. Spear/ — 2915

SPE — **Art Unit**

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

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

MAILED

FEB 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Brian Joseph	:	
Application No. 29/266,095	:	DECISION ON PETITION
Filed: September 14, 2006	:	
Attorney Docket No. D/4608-94	:	

This is a decision on the petition, filed December 9, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notice of Allowability For A Design Application as well as the Notice of Allowance and Fee(s) Due (Notice) mailed July 11, 2008, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on November 5, 2008.

Petitioner asserts that the Notice dated July 11, 2008, was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

(1) A statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.

(2) A statement from the practitioner that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

The petition does satisfy item (3) above. While the Office recognizes that copies of the docket record for the above identified application was submitted, petitioner must submit a copy of the master docket to show all entries docketed for a date three months from the mail date of the nonreceived Office action.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
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

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

MAILED
MAY 02 2011
OFFICE OF PETITIONS

In re Application of	:	
Brian Joseph	:	
Application No. 29/266,095	:	DECISION ON PETITION
Filed: September 14, 2006	:	
Attorney Docket No. D/4608-94	:	

This is a decision on the renewed petition filed March 29, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Allowability For A Design Application as well as the Notice of Allowance and Fee(s) Due (Notice) mailed July 11, 2008, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on November 5, 2008.

Petitioner asserts that the Notice dated July 11, 2008, was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

(1) A statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.

(2) A statement from the practitioner that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Office of Data Management for appropriate action in the normal course of business on the reply submitted on December 9, 2008.

Telephone inquiries concerning this decision should be directed to Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
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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BAY AREA TECHNOLGY LAW GROUP PC
500 SANSOME STREET, SUITE 404
SAN FRANCISCO CA 94111

MAILED

SEP 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Wonjung Song	:	
Application No. 29/267,403	:	DECISION ON PETITION
Filed: October 13, 2006	:	
Attorney Docket No. 545.107	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely to submit Corrected Drawings on or before April 30, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed January 30, 2008. Accordingly, the date of abandonment of this application is May 1, 2008. A Notice of Abandonment was mailed May 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings, (2) the petition fee of $810.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer with the accompany $70.00 fee.

The request for a terminal disclaimer is accepted and has been made of record.

Additionally, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Publishing Division for processing into a patent and review of the Corrected Drawings submitted with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101014

DATE : October 14, 2010

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D614024 S.N. 29/268017

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☒ **Denied** State the reasons for denial below.

Comments:

The claim to priority was not perfected during pendency of the application, as the certified copy was never received.

STELLA M. REID
SUPERVISORY PATENT EXAMINER
A.U. 2912

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

Date Mailed : November 1, 2010

Patent No. :D614024
Inventor :Eason et al.
Patent Issued :April 20, 2010
Title :DISPENSER

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

As a result of applicants failure to fully comply with 35 U.S.C. 119 in that conditional requirements were not met concerning the inclusion of Foreign Application Priority Data; approval is herewith unwarranted unless a petition is granted. Applicant's attention is directed to MPEP 201.14(a), 37 CFR 1.17(i). Any petition should be directed to the attention of the Assistant Commissioner for patents using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Box 1450
Alexandria, VA 22313-1450

By Fax: (703) 308-6916
Attn.: Office of Petitions

EFS web uspto.gov/ebc/index.html
(must be registered as an e-filer to submit correspondence)

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Robert Kinberg
VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998

/arg

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.
29/268,017	10/27/2006	Stephen William Eason	38618-259074	2363

26694 7590 02/08/2012
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER
TUTTLE, CATHERINE A

ART UNIT	PAPER NUMBER
2912	

MAIL DATE	DELIVERY MODE
02/08/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

2/8/12

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	:
STEPHAN WILLIAM EASON, et al.	:
Application No. 29/268,017	: PETITION DECISION
Filed: October 27, 2006	:
For: DISPENSER	:
Attorney Docket No. 38618-259074	:

This is a decision on the petition to the Director, under 37 CFR 1.181(a)(1) filed December 03, 2010, requesting : 1) acknowledge Applicants' claim for priority to OHIM European Community Registration No. 00521315, filed April 28, 2006; 2) further acknowledge that a certified copy of OHIM European Community Registration No. 00521315 was received by the U.S. Patent and Trademark Office on February 8, 2007; and 3) instruct the Decisions and Certificates of Correction Branch to grant the enclosed Certificate of Correction.

The petition is **DISMISSED**.

A review of the application file reveals that on February 08, 2007, petitioner submitted a response to Notice to File Missing Parts of a Nonprovisional Application action mailed on November 09, 2006. In that response, petitioner alleges the certified copy of the OHIM European Community Registration No. 00521315 was filed. In support thereof, petitioner submits exhibits: A) the true copy of the "Patent Prosecution Receipt of Filing," which was date stamped on February 8, 2007 by the PTO's Office of Initial Patent Examination and indicates that OHIM European Community Registration No. 00521315 was submitted on February 8, 2007; B) the cover page of OHIM European Community Registration No. 00521315, which was retained in Applicants' file along with the aforementioned "Patent Prosecution Receipt of Filing"; and C) Applicants' Claim for Priority and Submission of Documents, which was also date stamped on February 8, 2007 by the PTO's Office of Initial Patent Examination.

Upon further review, petitioner requested a Certificate of Correction to U. S. Patent D614,024, on June 02, 2010 to include the OHIM European Community Registration No. 00521315 to the Foreign Application Priority Data. Is support of this correction, the petitioner supplied the cover sheet to the certified European Community Registration No. 00521315. The request was denied entry by the Supervisory Patent Examiner on October 14, 2010, because the actual certified copy of the European Community Registration No. 00521315 was never received.

Upon a complete review of all the submissions by applicant, there are numerous submissions of the cover sheet as seen in Exhibit B of the instant petition; however, there is no there is no indication that the actual copy of the European Community Registration No. 00521315 was ever submitted. Accordingly, without any copy of the 00521315 document, no priority can be granted.

SUMMARY: Petition Dismissed

Should there be any questions with regard to this letter please contact Richard E. Chilcot, Jr., by letter addressed to the Director, Technology Center 2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (571) 272-6777.

Robert Olszewski

Director, Technology Center 2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120223

DATE : February 23, 2012

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D614024

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☒ **Denied** State the reasons for denial below.

Comments:

Dismissal (2/8/12) of petition filed 12/3/10 requesting grant of Certificate of Correction.The claim to priority was not perfected during the pendency of the application as the certified copy was never received.

SPE: /Stella Reid/ **Art Unit** 2912

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 07 2010

OFFICE OF PETITIONS

Yung-Hsin Yen
P.O. BOX 90
Tainan City 70499 TW TAIWAN

In re Application of	:
Yen	: DECISION ON PETITION
Application No. 29/268,361	:
Filed: November 6, 2006	:
Atty. Dkt. No.: AMD-3292	:

This is a decision on the petition under 37 CFR 1.137(b), filed November 18, 2010, to revive the above-identified application.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from 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 1.137(b)." This is not a final agency decision.

Submission of the petition fee is a prerequisite prior to treatment on the merits of any petition submitted pursuant to 37 CFR 1.137(b). The instant petition lacks the required petition fee, currently $810.00 for a small entity. Accordingly, a decision on the merits of the petition is not forthcoming.

Petitioner is further advised as a courtesy that the petition lacks the required terminal disclaimer (and required terminal disclaimer fee, currently $70.00 for a small entity).

Accordingly, the petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration must be accompanied by the required petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

FEB 28 2011

OFFICE OF PETITIONS

Yung-Hsin Yen
P.O. BOX 90
Tainan City 70499 TW TAIWAN

In re Application of
Yen
Application No. 29/268,361
Filed: November 6, 2006
Atty. Dkt. No.: AMD-3292

: DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 8, 2011, to revive the above-identified application.

In accordance with 37 CFR 1.33(b), "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner 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."

The instant petition is not signed, and, thus, fails to comply with 37 CFR 1.33(b). Accordingly, treatment on the merits of the petition under 37 CFR 1.137(b) is not forthcoming.

A cursory review of the record reveals that petitioner has again neglected to submit the required terminal disclaimer. See, enclosed.

Any request for reconsideration must be accompanied by a petition properly executed in accordance with 37 CFR 1.33(b).

Accordingly, the petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from 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 1.137(b)." This is not a final agency decision.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: PTO/SB/63

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
MAY 17 2011
OFFICE OF PETITIONS

Yung-Hsin Yen
P.O. BOX 90
Tainan City 70499 TW TAIWAN

In re Application of :
Yen : DECISION ON PETITION
Application No. 29/268,361 :
Filed: November 6, 2006 :
Atty. Dkt. No.: AMD-3292 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned October 3, 2010 for failure to timely submit a proper reply to the Notice of Allowability (Notice), mailed July 2, 2010. The Notice set a set a three month statutory period of time for reply. Notice of Abandonment was mailed October 15, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the provisions set forth above.

This application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08-24-2010

TO SPE OF : ART UNIT ~~1638~~ 2912

SUBJECT : Request for Certificate of Correction for Appl. No:29270273 Patent No: D581799

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 (Co f C)
Randolph Square – 9D10-A
Palm Location 7580

Eva James
Certificates of Correction Branch
703-756-1583 _____

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.

It appears that an incorrect Patent # and Foreign Priority Document # were used in this Certificate of correction Request. The FP# for D581,799 should be/is 000554868-0009 → Not 000658828 (European Community). The FP# date appears correct for this Application/Patent.

STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE

2912
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

7-11-2011

Patent No. : D581,799 S
Serial No. : 29/270,273
Inventor(s) : Damien Bourne
Issued : December 2, 2008

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged error, it appears that an incorrect Patent # and Foreign Priority Document # were used in this certificate of correction Request. The FP # for D561,799 should be/is 000554860-0009 – not 000658828 (European Community). The FP # does appears correct for this application /Patent

In view of the foregoing, your request is hereby denied.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch. Any response must be filed within a four week period with the sum of $100.00

Eva James
For Mary Diggs
Decisions & Certificate
of Correction Branch
(571-272-3422 or 703-756-1580)

Richard M. LaBarge
Marshall, Gerstein & Borun
233 S. Wacker Drive, Suite 6300
Chicago, Illinois 60606-6357

eJ

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

KENNAMETAL INC.
Intellectual Property Department
P.O. BOX 231
1600 TECHNOLOGY WAY
LATROBE PA 15650

MAILED
JUL 15 2011
OFFICE OF PETITIONS

In re Application of :
Christian Grund et al. :
Application No. 29/270,452 : DECISION ON PETITION
Filed: December 22, 2006 :
Attorney Docket No. KH-2413USD(NHL-KEH-41-DES :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed November 15, 2010, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 16, 2011. A Notice of Abandonment was mailed on May 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620 (3) a proper statement of unintentional delay and, (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).. Accordingly, the amendment is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2915 for appropriate action by the Examiner in the normal course of business on the reply received June 28, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Nils H. Ljungman
P.O. Box 130
Greensburg, PA 15601-0130

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

KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY MN 55422

FEB 01 2011

In re Application of
LIN, KUN-YI :
Application No.: 29/270,592 : DECISION ON
Filing or 371(c) Date: December 28, 2006 : PETITION
Attorney Docket Number:DUSA061237 (20061280.DES):

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on October 9, 2007.

This petition is **GRANTED**.

The application was inadvertently abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance mailed May 10, 2007 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on September 5, 2007.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on August 9, 2007. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. As authorized, the issue fee of $400.00 was charged to Credit Card Payment Form.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

9/17/2010

Patent No. :D553939
Inventor(s) :Robert Bruno
Issued :10/30/2007
Title :OFFSET HANDLE FOR TAPING KNIFE
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals the SPE respond that the request for certificate of correction contains a typographical error : The related application should read 29/234822 and not 29/234827. However, 29/270679 cannot be a continuation of 822 because there no basis in 822 for the boundary line newly added in 679. Instead679 would properly be a continuation in part. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

GREER BURNS & CRAIN LTD
SUITE 2500
300 South Wacker Drive
Chicago, Illinois 60606

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF DATA MANAGEMENT

CHUNG, SUNG-SAN
P.O. BOX 215,
TAICHUNG 40099 TW TAIWAN

In re Application of		AUG 26 2010
CHUNG, SUNG-SAN	:	**DECISION ON PETITION**
Application No. 29/270,961	:	
Filed: January 8, 2007	:	
Attorney Docket No. F-002-1	:	

This is a decision on the Petition To Withdraw Holding of Abandonment (CFR 1.181), received in the United States Patent and Trademark Office (USPTO) on August 6, 2010.

The petition is **DISMISSED.**

Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The application was held abandoned for failure to timely pay the issue fee as required in the Notice Of Allowance and Fee(s) Due, mailed December 30, 2008 which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed April 24, 2009.

The Office acknowledges the timely receipt of Part B – Fee(s) Transmittal (Transmittal) on May 3, 2009, as evidenced by the "Office Date" stamp thereon.

Unfortunately, the application file does not reveal a previously filed authorization to charge **such** fee(s) or specifically the issue fee.

In light of the non-compliance with 37CFR 1.25, the holding of abandonment cannot be withdrawn. Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further correspondence with respect to filing the petition under 37 CFR 1.137 should be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail:	Mail Stop Petitions Commissioner for Patents Office of Petitions P O Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquires concerning this decision be directed to the undersigned in the Office of Patent Publication at 703-756-1547.

Kay D. Pinkney
Application Assistance Unit
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

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK, CA 91754

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Sung-San Chung	:	
Application No. 29/270,961	:	DECISION ON PETITION
Filed: January 8, 2007	:	
Attorney Docket No. WDIP00028-USD	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 2, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before July 30, 2010, as required by the Notice of Allowance and Fee(s) Due mailed April 30, 2010, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on July 31, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $430, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee of $70 as required by 37 CFR 1.137(d). Accordingly, the failure to timely submit the issue fee as required by the Notice of Allowance and Fee(s) Due is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The terminal disclaimer filed March 2, 2011, is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

A. Kelley-Collier

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Stefan Albrecht DAG	:	
Application No. 29/271,061	:	DECISION ON PETITION
Filed: January 6, 2007	:	
Attorney Docket No. CANDELIERART-001-DES	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 12, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 13, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; (3) the required statement of unintentional delay; and (4) the required terminal disclaimer (and fee set forth in 37 CFR 1.20(d) required by 37 CFR 1.137(d).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The Terminal Disclaimer filed July 2, 2010, is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2917 for appropriate action by the Examiner in the normal course of business.

/DCG/
Diane C. 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
www.uspto.gov

ROBERT PILAND
2446 E. 49TH
TULSA, OK 74105

MAILED
MAR 31 2011
OFFICE OF PETITIONS

In re Application of	:	
Robert Bruce Piland	:	
Application No. 29/271,452	:	DECISION ON PETITION
Filed: January 19, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 22, 2011, to revive the above-identified design application.

The petition is **GRANTED.**

The application became abandoned for failure to timely pay the issue fee on or before January 5, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 5, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 6, 2011. A Notice of Abandonment was mailed on January 19, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $430 issue fee, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance and Issue Fee(s) Due is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Publishing Division for further processing in accordance with this decision on petition.

April M. Wise
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

Edgar A. Zarins
Masco Corporation
21001 Van Born Road
Taylor MI 48180

MAILED

SEP 16 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Geraint KRUMPE :
Application No. 29/273,471 :
Filed: March 6, 2007 :
Attorney Docket No. 445-3199-D :

This is a decision on the renewed petition under 37 CFR 1.181, filed May 17, 2010, requesting withdrawal of the Notice of Abandonment mailed December 29, 2009.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.181 must be filed within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b).

Petitioner asserts the Notice of Abandonment mailed December 29, 2009 be withdrawn as a response to the Notice of Allowability of September 11, 2009 was filed November 30, 2009 and received in the Office in a timely manner.

To support this assertion petitioner has submitted a copy of a return postcard receipt with a date stamp of November 30, 2009.

A grantable petition to withdraw holding of abandonment under 37 CFR 1.181 based on evidence that a reply was timely mailed or filed requires a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. The postcard receipt is not sufficient to establish with reasonable certainty that the response was received in the USPTO in a timely manner because the postcard identifies an application different than the instant application, *i.e.,* it identifies application serial no. 29/293,601.

Any renewed petition may be addressed as follows:

By Mail:	Mail Stop PETITION Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450
By hand:	U. S. Patent and Trademark Office Customer Service Window, Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450

MAILED
APR 07 2011
OFFICE OF PETITIONS

Mr. Edgar A. Zarins
Masco Corporation
21001 Van Born Road
Taylor, Michigan 48180

In re Application of	:	
Geraint KRUMPE	:	DECISION GRANTING PETITION
Application No. 29/273,471	:	UNDER 37 CFR 1.181
Filed: 6 March 2007	:	
Atty Docket No. 445-3199-D		

This is a decision on the renewed petition under 37 CFR 1.181, filed September 30, 2010, requesting reconsideration of the previous petition decision mailed September 16, 2010 dismissing the request to withdraw the holding of abandonment.

The petition is **GRANTED**.

Petitioner asserts that the holding of abandonment be withdrawn as while the drawings were erroneously filed in application Serial No. 29/293,601 they contained the Serial Number of application 29/273,471.

MPEP 724.05 (III) states:

> Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

The drawings received in application Serial No. 29/293,601 were filed with a transmittal letter. While the transmittal letter included the incorrect application serial number, it included the correct attorney docket number, title of invention, inventor's name, art unit, and examiner name. Moreover, the drawings included the correct serial number. Accordingly, the transmittal letter provided enough identifying indicia for the Office to transfer the papers to the correct application file.

In view of the above the drawings are being transferred to correct application.

The application file is being referred to Technology Center AU 2912 for appropriate action on the drawings filed September 30, 2010.

General inquiries relating to this decision should be directed to Robert DeWitty (571-272-6051).

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : D578,570 B2
Ser. No. : 29/273,474
Inventor(s) : Forsline et al.
Issued : Oct. 14, 2008
Title : PAINTING/PALETTE KNIFE
Docket No. : 3721.09US01
Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid,* including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) **272-3435** or (703) 756-1814

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

MAILED
FEB 14 2011
OFFICE OF PETITIONS

In re Application of	:	
LAI	:	DECISION
Application No. 29/274,236	:	ON PETITION
Filed: April 6, 2007	:	
Attorney Docket No. 5545/0400PUS1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 12, 2010.

The petition is **DISMISSED**.

The application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed June 13, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 16, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

With respect to item (4): A terminal disclaimer and the $140 ($70 if small entity) terminal disclaimer fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted on the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought.

If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. 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
www.uspto.gov

MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
LAI	:	DECISION
Application No. 29/274,236	:	ON PETITION
Filed: April 6, 2007	:	
Attorney Docket No. 5545/0400PUS1	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 16, 2011.

The petition is **GRANTED.**

The application became abandoned for failure to timely pay the issue fee on or before September 15, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed June 13, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $430; (2) the petition fee of $810; (3) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

The Terminal Disclaimer filed with the renewed petition on February 16, 2011, is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for processing into a patent.

Diane C. Goodwyn/
Diane C. 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
WWW.USPTO.GOV

Paper No.

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
AUG 30 2010
OFFICE OF PETITIONS

In re Application of	:	
Lai	:	
Application No. 29/274,237	:	DECISION ON PETITION
Filed: April 6, 2007	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. § 1.137(b)
5545/0401PUS1	:	
Title: COSMETICS BOX	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application, filed on May 12, 2010.

This petition is **DISMISSED**.

The concurrently submitted Power of Attorney and Change of Correspondence Address has been entered and made of record.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 16, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees.[1] Accordingly, the above-identified application became abandoned on September 17, 2008. A Notice of Abandonment was mailed on October 10, 2008.

With this petition, Petitioner has included the petition and issue fees, along with the proper statement of unintentional delay.

1 See MPEP § 710.02(e)(III).

Petitioner has met requirements one through three of Rule 1.137(b).

Regarding the fourth requirement, Petitioner has incorrectly set forth "since this utility/plant application (emphasis added) was filed on or after June 8, 1995, no terminal disclaimer is required."[2]

Petitioner will note that this application is a design application, and not a utility or plant application. As such, both a terminal disclaimer and the associated fee are required. See 37 C.F.R §§ 1.137(b)(4) and (d).

It follows that this petition must be dismissed.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. 1.137(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

It is noted that the address listed on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, a change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence

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2 Petition, page 2.
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[7] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Joe McKinney Muncy
PO Box 1364
Fairfax, VA 22038-1364

7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/274,237	04/06/2007	Chin-Chun Lai	BHT/3126-719

CONFIRMATION NO. 4760

POWER OF ATTORNEY NOTICE

Troxell Law Office PLLC
Suite 1404
5205 Leesburg Pike
Falls Church, VA 22041

OC000000043166068

Date Mailed: 08/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/12/2010.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/274,237	04/06/2007	Chin-Chun Lai	BHT/3126-719

CONFIRMATION NO. 4760

POA ACCEPTANCE LETTER

60601
Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX, VA 22033

OC000000043166074

Date Mailed: 08/30/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/12/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of	:	
Lai	:	
Application No. 29/274,237	:	DECISION ON PETITION
Filed: April 6, 2007	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. § 1.137(b)
5545/0401PUS1	:	
Title: COSMETICS BOX	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application, filed on November 1, 2010.[1]

This renewed petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 16, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees.[2] Accordingly, the above-identified application became abandoned on September 17, 2008. A Notice of Abandonment was mailed on October 10, 2008.

An original petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application was filed on May 12, 2010, along with the petition and issue fees, and the proper statement of unintentional delay. The original petition was dismissed via the mailing of a decision on August 30, 2010, which indicated that requirements one through three of Rule 1.137(b) had been satisfied.

---

1 It is noted that October 30, 2010 fell on a Saturday.
2 See MPEP § 710.02(e)(III).

With this renewed petition, Petitioner has included both a terminal disclaimer and the associated fee.

It follows that each of the four requirements of Rule 1.137(b) has been satisfied.

The Office of Patent Publication will be notified of this decision, and jurisdiction over this application is transferred to the Office of Patent Publication, so that this application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[3] All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Paper No.

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
AUG 30 2010
OFFICE OF PETITIONS

In re Application of	:	
Lai	:	
Application No. 29/274,238	:	DECISION ON PETITION
Filed: April 6, 2007	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. § 1.137(b)
5545/0402PUS1	:	
Title: COSMETICS BOX	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application, filed on May 12, 2010.

This petition is **DISMISSED**.

The concurrently submitted Power of Attorney and Change of Correspondence Address has been entered and made of record.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 13, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees.[1] Accordingly, the above-identified application became abandoned on September 14, 2008. A Notice of Abandonment was mailed on October 6, 2008.

1 See MPEP § 710.02(e)(III).

With this petition, Petitioner has included the petition and issue fees, along with the proper statement of unintentional delay.

Petitioner has met requirements one through three of Rule 1.137(b).

Regarding the fourth requirement, Petitioner has incorrectly set forth "since this utility/plant application (emphasis added) was filed on or after June 8, 1995, no terminal disclaimer is required."[2]

Petitioner will note that this application is a design application, and not a utility or plant application. As such, both a terminal disclaimer and the associated fee are required. See 37 C.F.R §§ 1.137(b)(4) and (d).

It follows that this petition must be dismissed.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. 1.137(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

It is noted that the address listed on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, a change of correspondence address must be submitted. A courtesy copy of

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2 Petition, page 2.
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300 - please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

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/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Joe McKinney Muncy
PO Box 1364
Fairfax, VA 22038-1364

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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
29/274,238	04/06/2007	Chin-Chun Lai	BHT/3126-720

CONFIRMATION NO. 4761

POWER OF ATTORNEY NOTICE

Troxell Law Office PLLC
Suite 1404
5205 Leesburg Pike
Falls Church, VA 22041

OC000000043166724

Date Mailed: 08/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/12/2010.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/274,238	04/06/2007	Chin-Chun Lai	BHT/3126-720

CONFIRMATION NO. 4761

POA ACCEPTANCE LETTER

60601
Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX, VA 22033

OC000000043166730

Date Mailed: 08/30/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/12/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Paper No.

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of	:	
Lai	:	
Application No. 29/274,238	:	DECISION ON PETITION
Filed: April 6, 2007	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. § 1.137(b)
5545/0402PUS1	:	
Title: COSMETICS BOX	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application, filed on November 1, 2010.[1]

This renewed petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 13, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees.[2] Accordingly, the above-identified application became abandoned on September 14, 2008. A Notice of Abandonment was mailed on October 6, 2008.

An original petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application was filed on May 12, 2010, along with the petition and issue fees, and the proper statement of unintentional delay. The original petition was dismissed via the mailing of a decision on August 30, 2010, which indicated that requirements one through three of Rule 1.137(b) had been satisfied.

1 It is noted that October 30, 2010 fell on a Saturday.
2 See MPEP § 710.02(e)(III).

With this renewed petition, Petitioner has included both a terminal disclaimer and the associated fee.

It follows that each of the four requirements of Rule 1.137(b) has been satisfied.

The Office of Patent Publication will be notified of this decision, and jurisdiction over this application is transferred to the Office of Patent Publication, so that this application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[3] All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Paper No.

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
AUG 30 2010
OFFICE OF PETITIONS

In re Application of	:	
Lai	:	
Application No. 29/274,239	:	DECISION ON PETITION
Filed: April 6, 2007	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. § 1.137(b)
5545/0403PUS1	:	
Title: COSMETICS BOX	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application, filed on May 12, 2010.

This petition is **DISMISSED**.

The concurrently submitted Power of Attorney and Change of Correspondence Address has been entered and made of record.

The above-identified application became abandoned for failure to submit the issue fee and drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 16, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings[1] or issue fees.[2] Accordingly, the above-identified application became abandoned on September 17, 2008. A Notice of Abandonment was mailed on October 10, 2008.

1 See MPEP § 710.02(e)(III).
2 See MPEP § 710.02(e)(III).

With this petition, Petitioner has included the petition and issue fees, along with replacement drawings and the proper statement of unintentional delay.

Petitioner has met requirements one through three of Rule 1.137(b).

Regarding the fourth requirement, Petitioner has incorrectly set forth "since this utility/plant application (emphasis added) was filed on or after June 8, 1995, no terminal disclaimer is required."[3]

Petitioner will note that this application is a design application, and not a utility or plant application. As such, both a terminal disclaimer and the associated fee are required. See 37 C.F.R §§ 1.137(b)(4) and (d).

It follows that this petition must be dismissed.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. 1.137(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[4] hand-delivery,[5] or facsimile.[6] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[7]

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3 Petition, page 2.
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
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/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Joe McKinney Muncy
PO Box 1364
Fairfax, VA 22038-1364

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/274,239	04/06/2007	Chin-Chun Lai	BHT/3126-721

CONFIRMATION NO. 4732

POWER OF ATTORNEY NOTICE

Troxell Law Office Pllc
Suite 1404
5205 Leesburg Pike
Falls Church, VA 22041

OC000000043166706

Date Mailed: 08/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/12/2010.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pashanoski/

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Paper No.

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4000 Legato Road
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MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of	:	
Lai	:	
Application No. 29/274,239	:	DECISION ON PETITION
Filed: April 6, 2007	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. § 1.137(b)
5545/0403PUS1	:	
Title: COSMETICS BOX	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application, filed on November 1, 2010.[1]

This renewed petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 16, 2008, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees.[2] Accordingly, the above-identified application became abandoned on September 17, 2008. A Notice of Abandonment was mailed on October 10, 2008.

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1 It is noted that October 30, 2010 fell on a Saturday.
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With this renewed petition, Petitioner has included both a terminal disclaimer and the associated fee.

It follows that each of the four requirements of Rule 1.137(b) has been satisfied.

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/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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.
29/274,262	04/10/2007	Perry David Lithgow	PTB-4398-680	7557

23117 7590 08/19/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
LEE, CHRISTOPHER

ART UNIT	PAPER NUMBER
2916	

MAIL DATE	DELIVERY MODE
08/19/2011	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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110815

DATE : August 12, 2011

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D585540

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/IAN SIMMONS/
Supervisory Patent Examiner.Art Unit 2916

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Patent No: D585540
Issue Date: January 27, 2009
Appl. No: 29/274262
Filed: April 10, 2007
For: Correction of Inventorship

This is a decision on the petition filed June 23, 2010, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Ian Simmons/

Ian Simmons
Supervisory Patent Examiner Art Unit 2916
Technology Center 2900

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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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED
FEB 17 2011
OFFICE OF PETITIONS

In re Patent No. D593,450	:	
Issue Date: June 2, 2009	:	
Application No.: 29/274,990	:	ON PETITION
Filed: June 15, 2007	:	
Attorney Docket No.: 10036.0005-01000	:	

This is a decision in response to a communication filed June 23, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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.
29/275,340	12/21/2006	John A. Gelardi	20748 A	9056

66061 7590 08/19/2011
MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond, VA 23219-0501

EXAMINER
HANSON, CHARLES D

ART UNIT	PAPER NUMBER
2916	

NOTIFICATION DATE	DELIVERY MODE
08/19/2011	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):

docketadministrator@mwv.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110811

DATE : August 11, 2011

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D573831

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/IAN SIMMONS/
Supervisory Patent Examiner.Art Unit 2916

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MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond VA 23219-0501

In re Patent No: D573831
Issue Date: July 29, 2008
Appl. No: 29275340
Filed: December 21, 2006
For: Correction of Inventorship

This is a decision on the petition filed October 31, 2008, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Ian Simmons/

Ian Simmons
Supervisory Patent Examiner Art Unit 2916
Technology Center 2900

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/275,341	12/21/2006	Kenny Freitag	20748 B	9066

66061 7590 08/19/2011
MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond, VA 23219-0501

EXAMINER
HANSON, CHARLES D

ART UNIT	PAPER NUMBER
2916	

NOTIFICATION DATE	DELIVERY MODE
08/19/2011	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):

docketadministrator@mwv.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110811

DATE : August 11, 2011

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D572962

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/IAN SIMMONS/
Supervisory Patent Examiner.Art Unit 2916

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MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond VA 23219-0501

In re Patent No: D572962
Issue Date: July 15, 2008
Appl. No: 29275341
Filed: December 21, 2006
For: Correction of Inventorship

This is a decision on the petition filed October 31, 2008, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Ian Simmons/

Ian Simmons
Supervisory Patent Examiner Art Unit 2916
Technology Center 2900

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
29/275,342	12/21/2006	John A. Gelardi	20748 C	9073

66061 7590 08/19/2011
MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond, VA 23219-0501

EXAMINER
HANSON, CHARLES D

ART UNIT	PAPER NUMBER
2916	

NOTIFICATION DATE	DELIVERY MODE
08/19/2011	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):

docketadministrator@mwv.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110811

DATE : August 11, 2011

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D572963

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/IAN SIMMONS/
Supervisory Patent Examiner.Art Unit 2916

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ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond VA 23219-0501

In re Patent No: D572963
Issue Date: July 15, 2008
Appl. No: 29275342
Filed: December 21, 2006
For: Correction of Inventorship

This is a decision on the petition filed October 31, 2008, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Ian Simmons/

Ian Simmons
Supervisory Patent Examiner Art Unit 2916
Technology Center 2900

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/275,343	12/21/2006	John A. Gelardi	20748 D	9080

66061 7590 08/19/2011
MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond, VA 23219-0501

EXAMINER
HANSON, CHARLES D

ART UNIT	PAPER NUMBER
2916	

NOTIFICATION DATE	DELIVERY MODE
08/19/2011	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):

docketadministrator@mwv.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110811

DATE : August 11, 2011

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D572964

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/IAN SIMMONS/
Supervisory Patent Examiner.Art Unit 2916

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MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond VA 23219-0501

In re Patent No: D572964
Issue Date: July 15, 2008
Appl. No: 29275343
Filed: December 21, 2006
For: Correction of Inventorship

This is a decision on the petition filed October 31, 2008, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Ian Simmons/

Ian Simmons
Supervisory Patent Examiner Art Unit 2916
Technology Center 2900

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WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE AZ 85251

MAILED
AUG 05 2010
OFFICE OF PETITIONS

In re Application of	:	
Rodney Mark Gibson	:	
Application No. 29/275,689	:	DECISION ON PETITION
Filed: January 4, 2007	:	
Attorney Docket No. 6319P3168DES	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a proper and timely manner to the Notice of Non-Compliant Amendment mailed September 22, 2009, which set a period for reply of one (1) month or thirty (30) days, whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 23, 2009. A Notice of Abandonment was mailed April 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment (previously filed September 8, 2009), (2) the petition fee of $810.00 (previously paid September 25, 2009) and (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $70.00 (previously paid December 21, 2009).

The request for a terminal disclaimer is accepted and has been made of record.

Additionally, petitioner has submitted an unnecessary duplicate $810.00 petition fee which will be refunded via treasury check in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

The application file is being referred to Technology Center AU 2914 for appropriate action on the amendment filed September 8, 2009.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE KY 40202

MAILED
SEP 09 2010
OFFICE OF PETITIONS

In re Patent No. D570977	:	
Application No. 29/276,714	:	
Filed: February 2, 2007	:	ON PETITION
Issued: June 10, 2008	:	
Attorney Docket No. ZP083-06062	:	

This is a decision on the petition filed July 13, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent regarding the above-identified patent. However, in accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Joan Olszewski
Petitions Examiner
Office of Petitions

---

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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AUG 02 2010

OFFICE OF PETITIONS

MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE KY 40202

In re Patent No. D,570,978	:	
Issue Date: June 10, 2008	:	
Application No. 29/276,717	:	ON PETITION
Filed: February 2, 2007	:	
Attorney Docket No. 83-06061	:	

This is a decision on the petition filed July 13, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-2991. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Terri Johnson
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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MARCELLI LAW OFFICES
A PROFESSIONAL LAW CORPORATION
940 ENCHANTED WAY
SUITE 101
SIMI VALLEY CA 93065

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Christopher C. Porter	:	
Application No. 29/276,764	:	DECISION ON PETITION
Filed: February 4, 2007	:	
Attorney Docket No. CCP 001D	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2010, to revive the above-identified application.

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 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely to submit Corrected Drawings on or before June 18, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 18, 2010. Accordingly, the date of abandonment of this application is June 19, 2010. A Notice of Abandonment was mailed July 1, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require

additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4) of the above items.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

However, with respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival. Petitioner has submitted the proper fee, however, a terminal disclaimer must be signed by a registered patent attorney or patent agent of record appointed in compliance with § 1.32(b) or an assignee as provided under § 3.71 (b) of this chapter. **A terminal disclaimer cannot be signed by an attorney in representative capacity.**

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARCELLI LAW OFFICES
A PROFESSIONAL LAW CORPORATION
940 ENCHANTED WAY
SUITE 101
SIMI VALLEY CA 93065

MAILED

OCT 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Christopher C. Porter	:	
Application No. 29/276,764	:	DECISION ON PETITION
Filed: February 4, 2007	:	
Attorney Docket No. CCP 001D	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before June 18, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 18, 2010. Accordingly, the date of abandonment of this application is June 19, 2010. A Notice of Abandonment was mailed July 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings (previously submitted on July 8, 2010), (2) the petition fee of $810.00 (previously paid July 8, 2010); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer with the accompany $70.00 fee (previously paid July 8, 2010).

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Publishing Division for processing into a patent and review of the Corrected Drawings submitted on July 8, 2010.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED
JUN 16 2011
OFFICE OF PETITIONS

GEOFFREY E. DOBBIN, PATENT ATTORNEY
4278 SOUTH 6220 WEST
WEST VALLEY CITY UT 84128-6501

In re Application of	:	
Richard M. FITZPATRICK et al.	:	DECISION GRANTING PETITION
Application No. 29/277,104	:	UNDER 37 CFR 1.137(b)
Filed: February 13, 2007	:	
Atty. Docket No.: GDRMF01GG	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application went abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed April 7, 2008 (Notice), which set a statutory period for reply of three (3) months. The application thus became abandoned on July 7, 2008. A Notice of Abandonment was mailed July 31, 2008.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the Issue fee, and submission of the replacement drawings as required by the Notice, (2) a petition fee of $810 (small entity), (3) a statement of unintentional delay, and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The reply to the Notice is accepted as having been unintentionally delayed.

The terminal disclaimer submitted with the instant petition is approved.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Office of Data Management.

for

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TOMPKINS PC
825 MARKET STREET
BUILDING M, SUITE 250
ALLEN TX 75013

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Adams et al.	:	
Application No. 29/277,570	:	DECISION ON PETITION
Filed: March 1, 2007	:	
Attorney Docket No. INFRN0003.DPUS	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely to submit Corrected Drawings on or before December 29, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 29, 2009. Accordingly, the date of abandonment of this application is December 30, 2009. A Notice of Abandonment was mailed January 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings (previously submitted on January 26, 2010), (2) the petition fee of $810.00 (previously paid January 26, 2010); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer with the accompany $70.00 fee (previously paid January 26, 2010).

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Publishing Division for processing into a patent and review of the Corrected Drawings submitted on January 26, 2010.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE WI 53202-4497

MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Application of	:	
Catanzaro et al.	:	
Application No. 29/279,112	:	ON PETITION
Filed: April 19, 2007	:	
Attorney Docket No. 144122.00005	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Continued Prosecution Application (CPA) Request under 37 CFR 1.53(d), as well as an Amendment, (2) the petition fee of $1620.00, and (3) a proper statement of unintentional delay.

As the Power of Attorney was only recently given to the petitioner, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2911 for further processing of the CPA.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

MAILED
AUG 19 2010
OFFICE OF PETITIONS

In re Application of :
Christopher James Leatt, et al. :
Application No. 29/279,249 : ON PETITION
Filed: April 24, 2007 :
Attorney Docket No.: 27614-00019 :

This is a decision on the petition, filed June 21, 2010, to revive the above-identified application under 37 CFR 1.137(b).

The petition is **DISMISSED**.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before December 8, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 8, 2008. Accordingly, the date of abandonment of this application is December 9, 2008. A Notice of Abandonment was mailed on January 6, 2009. On June 21, 2010, the present petition was filed.

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Michael G. Verga appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

The petition lacks items 4 above. Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $140 ($70 if small entity) is required. The terminal disclaimer must be signed in accordance with 37 CFR 1.321(b)(i).

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web[2]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[2] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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United States Patent and Trademark Office
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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

MAILED
DEC 02 2010
OFFICE OF PETITIONS

In re Application of
Christopher James Leatt, et al.
Application No. 29/279,249
Filed: April 24, 2007
Attorney Docket No.: 21919-00054-US

ON PETITION

This is a decision in response to the renewed petition, filed October 19, 2010, to revive the above-identified design application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before December 8, 2008. A Notice of Abandonment was mailed on January 6, 2009. On June 21, 2010, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed August 18, 2010. On October 19, 2010, the present petition was filed.

The petition, as supplemented on October 19, 2010, satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $430 issue fee, (2) the petition fee of $810, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of September 8, 2008 is accepted as being unintentionally delayed.

The terminal disclaimer filed October 19, 2010 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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MAILED

AUG 30 2010

OFFICE OF PETITIONS

David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(The Webb Firm)
1 Becton Drive, MC 110
Franklin Lakes NJ 07414-1880

In re Application of	:	
Kenneth Mark KARPILOFF	:	
Application No. 29/280,728	:	ON PETITION
Filed: June 5, 2007	:	
Attorney Docket No. 3896-071894 (P-7457)	:	

This is a decision on the petition, filed January 15, 2008, under 37 CFR 1.47(a) to accept this application notwithstanding the absence of the signature of a non-signing inventor and on the petition, filed June 26, 2009, under 37 CFR 1.182 requesting that the non-signing inventor be removed.

The petitions under 37 CFR 1.47(a) and 37 CFR 1.182 are **DISMISSED** as being moot.

Petitioner first requests, on January 15, 2008, that the declaration filed January 15, 2008 be accepted without the signature of non-signing inventor Mark Arnold and then on June 26, 2009 states that further investigation has revealed that Mark Arnold is not an inventor.

37 CFR 1.48(f)(1) states:

> Nonprovisional application—filing executed oath/declaration corrects inventorship. If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63 by any of the inventors, the first submission of an executed oath or declaration under § 1.63 by any of the inventors during the pendency of the application will act to correct the earlier identification of inventorship. See §§ 1.41(a)(4) and 1.497(d) and (f) for submission of an executed oath or declaration to enter the national stage under 35 U.S.C. 371 naming an inventive entity different from the inventive entity set forth in the international stage.

MPEP 201.03(I) states:

> The Office will issue a filing receipt listing the inventors identified at the time of filing of the application even if the application was filed under 37 CFR 1.53(f) without an executed oath or declaration. Where the first-filed executed oath or declaration was filed on or after December 1, 1997 and sets forth an inventive entity which is different from the inventive entity initially set forth at the time of filing of the application, the actual inventorship of the application will be taken from the executed oath or declaration. See 37 CFR 1.41(a)(1). A request under 37 CFR 1.48(a), (b), or (c) will not be necessary. See 37 CFR 1.48(f).

The instant application was filed without an executed oath or declaration under 37 CFR 1.63 by any of the inventors and named Kenneth Mark Karpiloff and Mark Arnold as inventors. The first submission of an executed declaration, on January 15, 2008, names Kenneth Mark Karpiloff as the sole inventor of the application and thus acts to correct the earlier identification of inventorship. Accordingly, the petitions under 37 CFR 1.47(a) and 37 CFR 1.182 are not necessary. See 37 CFR 1.48(f)(1) and MPEP 201.03(I).

Since the petition under 37 CFR 1.182 was dismissed as moot, the $400 fee set forth in 37 CFR 1.17(f) is unnecessary and will be refunded to petitioner's deposit account no. 02-1666. The petition fee required under 37 CFR 1.17(g) for the petition under 37 CFR 1.47(a) was not received.

Telephone inquiries concerning this decision should be directed to the Irvin Dingle at (571) 272-3210.

The application file is being referred to the Office of Patent Application Processing.

David Bucci
Petitions Examiner
Office of Petitions

Encl. Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
29/280,728	06/05/2007	2914	560	3896-071894 (P-7457)	1	1

CONFIRMATION NO. 4536

CORRECTED FILING RECEIPT

32182
David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(The Webb Firm)
1 Becton Drive, MC 110
Franklin Lakes, NJ 07414-1880

OC000000043267218

Date Mailed: 08/30/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Kenneth Mark Karpiloff, Mamaroneck, NY;

Power of Attorney: The patent practitioners associated with Customer Number 26253

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 06/14/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/280,728**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Specimen Tube Tray

Preliminary Class

D24

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent

in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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JUL 27 2011
OFFICE OF PETITIONS

ABE & COMPANY INC.
2157 HENDERSON HIGHWAY
WINNIPEG MB R2G1P-9 CA CANADA

In re Application of	:	
NOLIN, et al	:	
Application No. 29/281,678	:	DECISION ON PETITION
Filed: June 28, 2007	:	
Attorney Docket No. 85737-162 ADB	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a proper reply to the Office communication mailed, November 21, 2008, which set a period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 22, 2008. a Notice of Abandonment was mailed June 16, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; (3)a statement of unintentional delay; and (4) the terminal disclaimer (and fee set forth in 37 CFR 1.20(d) required by 37 CFR 1.137(d).

The Terminal Disclaimer filed June 29, 2011, is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center 2911 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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FRED ZOLLINGER III
P.O. BOX 2368
NORTH CANTON OH 44720

MAILED

FEB 09 2011

OFFICE OF PETITIONS

In re Patent No. D568006 :
Issued: April 29, 2008 :
Application No. 29/281,840 : ON PETITION
Filed: July 3, 2007 :
Attorney Docket No. LS013C0DUSB :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 29, 2010.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Patent No. D624322 :
Application No. 29/282,041 :
Filed: July 10, 2007 : ON PETITION
Issued: September 28, 2010 :
Attorney Docket No. 07-351 :

This is a decision on the petition, filed March 24, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the issued patent.

The request is **DISMISSED.**

37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid the name and correct address of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name and correct address of an assignee if the assignment was submitted after payment of the issue fee ***but prior to issuance of a patent***. Patent and Trademark Office assignment records disclose that the most current assignment recorded July 11, 2007, Reel 019540 and Frame 0068 states the assignee's name as "EWALD DORKEN AG". Petitioner has submitted the name of "Ewald Doerken" OR "Ewald Dörken".

Accordingly, since petitioner is requesting a correction of the name of an assignee that has not yet been submitted for recordation to the Assignment Branch, issuance of a certificate of correction would not be proper. *See* MPEP Section 307.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to the Certificates of Correction Branch for review of the additional Certificate of Correction request concerning the inventor name change.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

[1] *See* Official Gazette of June 22, 2004

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OCT 06 2011

OFFICE OF PETITIONS

In re Patent No. D624322 :
Application No. 29/282,041 :
Filed: July 10, 2007 : ON NOTICE
Issued: September 28, 2010 :
Attorney Docket No. 07-351 :

This is a decision on the renewed petition filed September 7, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Petitioner has submitted an improper certificate of correction by requesting "The assignee's name should be spelled "Ewald Doerken AG" OR "Ewald Dörken AG".

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a proper certificate of correction as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

1485 Handling of Request for Certificates of Correction

Applicants, or their attorneys or agents, are urged to submit the text of the correction on a special Certificate of Correction form, PTO/SB/44 (also referred to as Form PTO-1050), which can serve as the camera copy for use in direct offset printing of the Certificate of Correction. Further, the exact page and line number where the errors occur in the application file should be identified on the request. However, on form PTO/SB/44, only the column and line number in the printed patent should be used.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

Additional suggestions are listed below describing a variety of corrections and the suggested manner of setting out the format. Particular attention is directed to:

(A) Identification of the exact point of error by reference to column and line number of the printed patent for changes in the specification or to claim number and line where a claim is involved.
(B) Conservation of space on the form by typing single space, beginning two lines down from the printed message.
(C) Starting the correction to each separate column as a sentence, and using semicolons to separate corrections within the same column, where possible.
(D) Leaving a two-inch space blank at bottom of the last sheet for the signature of the attesting officer.
(E) Using quotation marks to enclose the exact subject matter to be deleted or corrected; using double hyphens (-- --) to enclose subject matter to be added, except for formulas.
(F) Where a formula is involved, setting out only that portion thereof which is to be corrected or, if necessary, pasting a photocopy onto form PTO/SB/44.

Petitioner has submitted alternatives on the PTO/SB/44 Certificate of Correction form. Therefore, the Certificate of Correction submitted is improper.

Additionally, Patent and Trademark Office assignment records disclose that the most current assignment recorded July 11, 2007, Reel 019540 and Frame 0068 states the assignee's name as "EWALD DORKEN AG".

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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September 27, 2011

Pauly, Devries Smith & Deffner, L.L.C
Plaza VII-Suite 3000
45 South Seventh Street
Minneapolis, MN 55402-1630

Patent No. : D564,116 S
Appl. No. : 29/282,304
Inventor(s) : George Linardos
Issued : March 11, 2008
Title : **FLASHLIGHT CHARGER**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481)*. This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A petition to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460

vt

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 27, 2011

Pauly, Devries Smith & Deffner, L.L.C
Plaza VII-Suite 3000
45 South Seventh Street
Minneapolis, MN 55402-1630

Patent No. : D564,446 S
Appl. No. : 29/282,308
Inventor(s) : George Linardos
Issued : March 18, 2008
Title : **FLASHLIGHT CHARGER**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481)*. This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A petition to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460

vt

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

CHAN LAW GROUP LLP
1055 W. 7TH ST,
SUITE 1880
LOS ANGELES CA 90017

MAILED
DEC 02 2010
OFFICE OF PETITIONS

In re Application of :
Kenny Ka Wah Ng :
Application No. 29/283,084 : ON PETITION
Filed: September 28, 2007 :
Attorney Docket No. 1474.701 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to file a timely response to the non-final Office action mailed May 26, 2009, which set a shortened statutory period for reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on August 17, 2009. A Notice of Abandonment was mailed December 23, 2009.

The response filed September 8, 2010, is noted.

The terminal disclaimer filed September 8, 2010, is noted and made of record.

The application is being forwarded to Technology Center 2900, GAU 2911 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LARIVIERE, GRUBMAN & PAYNE, LLP
19 UPPER RAGSDALE DRIVE, SUITE 200
MONTEREY, CA 93940

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Noel LEE, et *al.*	:	
Application No. 29/284,170	:	DECISION ON PETITION
Filed: August 31, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **P1762**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before November 11, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed August 11, 2008. Accordingly, the date of abandonment of this application is November 12, 2008.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $860 and corrected formal drawings , (2) the petition fee of $1620, (3) a adequate statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The drawings have been made of record. The terminal disclaimer filed February 2, 2010 has been entered and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Data Management for processing into a patent.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **RYAN P. TRUNCK**
19 UPPER RAGSDALE DRIVE, SUITE 200
MONTEREY, CA 93940

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1-10-12 **Paper No.:** _____

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/284189 Patent No.: D598424

CofC mailroom date: 12-19-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Check Drawing Figs.

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 Young
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: _____

Stella M. Reid
STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE

2912
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-10-12

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/284140 Patent No.: D598425

CofC mailroom date: 12-19-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Check flags

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: _____

STELLA M. REID
SUPERVISORY PATENT EXAMINER

SPE

2912
Art Unit

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

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Patent No. D592831 :
Issue Date: 26 May, 2009 :
Application No. 29/284,703 :
Filed: 13 September, 2007 :
Attorney Docket No. UD 051812-6 :

ON PETITION

This is a decision on the petition filed on 2 November, 2009, expressly for waiver under 37 C.F.R. §1.183, of provisions of 37 C.F.R. §3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction under 37 C.F.R. §1.323.

The petition is **DISMISSED**.

ANALYSIS

Congress has authorized the issuance of patents in the name(s) of the assignee(s):

> **35 U.S.C. §152 Issue of patent to assignee.**
> Patents may be granted to the assignee of the inventor of record in the Patent and Trademark Office, upon the application made and the specification sworn to by the inventor, except as otherwise provided in this title. (Emphasis supplied.)

The regulations at 37 C.F.R. §3.81 that set forth the applicable procedure:

> **§ 3.81 Issue of patent to assignee.**
>
> ***
>
> (b) *After payment of the issue fee:* An application may issue in the name(s) of the assignee(s) consistent with the application's assignment where a request for such issuance along with the processing fee set forth in § 1.17(I) of this chapter is submitted after the date of payment of the issue fee, but prior to issuance of the patent, provided the assignment has been previously recorded in the Office. If the assignment has not been

> previously recorded, the request should be accompanied by the assignment and either a direction to record the assignment in the Office pursuant to § 3.28, or a statement under § 3.73(b).
> (c) *Partial assignees.*
>
> ***
>
> > (2) If multiple assignees hold the entire right, title, and interest to the exclusion of all the inventors, the patent may issue in the names of the multiple assignees. (Emphasis supplied.)

The commentary at MPEP §1481.01 provides that:

> ***
>
> 1481.01 Correction of Assignees' Names [R-3]
>
> ***
>
> <u>Any request for the issuance of an application in the name of the assignee submitted after the date of payment of the issue fee *** must</u>:
>
> > (A) state that the assignment was submitted for recordation as set forth in 37 C.F.R. §3.11 before issuance of the patent;
> > (B) include a request for a certificate of correction under 37 C.F.R. §1.323 along with the fee set forth in 37 C.F.R. §1.20(a); and
> > (C) include the processing fee set forth in 37 C.F.R. §1.17(i).
> > See 37 C.F.R. §3.81(b).

Petitioner has authorized charge of fees to Deposit Account 12-0425 and fees have been charged. Notwithstanding Petitioner's acknowledgement that the failure to properly set forth the Assignee on the Form 85B was due to Petitioner's error, Petitioner has requested waiver of the fees—however, fees may not be waived in that context.

Petitioner has submitted a copy of a recordation of an assignment, but the document submitted is not for this application/patent (Application No. 29/284,703/Patent No. D592831), but for Application No. 29/219,319.

A review of Office records indicates that there is <u>no</u> assignment recorded as to this application/patent prior to issue.

Patent No. D592831
Application No. 29/284,703

CONCLUSION

Certificates of Correction are limited as to the assignee(s) are limited to the record as of the date of issue.

Accordingly, the petition is **dismissed**.

The file is released to IFW Files Repository.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/ John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02-04-10

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/286690 Patent No.: D587030

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

A Green

Angela Green 703-756-1541

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.

- [x] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

Caron D Veynar

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER
SPE

2913
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12-4-10

Paper No.: _____

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No. 29/287162 Patent No.: D600785

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Check Drawings

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

Ennis Young

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: _____

/Celia A. Murphy/
SPE

2914
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

AUG 05 2010

OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Patent No. D,579,869	:	
Issue Date: November 4, 2008	:	
Application No. 29/287,719	:	DECISION ON PETITION
Filed: September 12, 2007	:	
Attorney Docket No. 1928-0180PUS1	:	

This is a decision on the petition under 37 CFR 1.182, filed June 1, 2010, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The fee of $400 for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account as authorized.

The Publishing Division is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to Alicia Kelley at (571) 272-6059. Inquiries regarding the issuance the duplicate Letters Patent may be directed to Niomi Farmer in the Office at Data Management at (703) 756-1556.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, RSQ, 9th Floor, Room D30-B. (Fax No. (571) 270-9753)

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.
29/287,902	09/28/2007	Hans B. Bauerfeind	3398-0149PUS1	6057

7590 10/18/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
LEVY, MELANIE S

ART UNIT	PAPER NUMBER
2911	

NOTIFICATION DATE	DELIVERY MODE
10/18/2010	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

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

October 14, 2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
Hans B. Bauerfeind, et al	:	**DECISION ON PETITION**
Application No. 29287902	:	
Filed: 09/28/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **3398-0149PUS1**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 26, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/
Manager
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/287,958	10/04/2007	Morten Viliers Warren	1000035-000087	9045

7590 05/05/2011
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
BONDADE, NANDA

ART UNIT	PAPER NUMBER
2912	

NOTIFICATION DATE	DELIVERY MODE
05/05/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

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 3, 2011

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
Warren, Morten, et al	:	**DECISION ON PETITION**
Application No. 29/287,958	:	
Filed: 10/04/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 1000035-00087	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 09, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Thomas M. Galgano
20 W. Park Avenue
Suite 204
Long Beach NY 11561

MAILED
OCT 06 2011
OFFICE OF PETITIONS

In re Application of	:
Tuli	: DECISION ON PETITION
Application No. 29/288,351	:
Filed: June 8, 2007	:
Atty. Dkt. No.: 14125-6	:

This is a decision on the petition under 37 CFR 1.137(b), filed September 23, 2011.

The petition is **GRANTED**.

This application became abandoned November 5, 2009 for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice) mailed August 4, 2009. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed November 19, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 27 2010

OFFICE OF PETITIONS

HARRIS BEACH PLLC
99 GARNSEY ROAD
PITTSFORD NY 14534

In re Application of	:	
Oliver Dobler	:	
Application No. 29/288,955	:	DECISION ON PETITION
Filed: June 28, 2007	:	
Attorney Docket No. **229278**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 16, 2010, and supplemented on July 09, 2010, to revive the above-identified application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue fees and to submit corrected formal drawings on or before November 06, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed August 06, 2009. Accordingly, the date of abandonment of this application is November 07, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

As to item 4, the Office acknowledges receipt of a Terminal Disclaimer and the $140 fee submitted on July 09, 2010, 2010. However, the Terminal Disclaimer is unacceptable and will

not be entered because it fails to contain the complete language of 37 CFR 1.137(d). Therefore, the petition can not be granted at this time and we strongly encourage petitioner to use the enclosed Terminal Disclaimer form PTO/SB/63. Petitioner's attention is drawn to a possible typographical error in the caption on page 1 of the Terminal Disclaimer that incorrectly refers to "[an] unavoidably abandoned application".

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Enclosures: PTO/SB/63

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

HARRIS BEACH PLLC
99 GARNSEY ROAD
PITTSFORD NY 14534

MAILED

DEC 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Oliver Dobler	:	
Application No. 29/288,955	:	DECISION ON PETITION
Filed: June 28, 2007	:	
Attorney Docket No. **229278**	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 06, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees and to submit corrected formal drawings on or before November 06, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed August 06, 2009. Accordingly, the date of abandonment of this application is November 07, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $810; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of Continuing Prosecution Application.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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JUL 27 2011

OFFICE OF PETITIONS

HARRIS BEACH PLLC
99 GARNSEY ROAD
PITTSFORD NY 14534

In re Application of	:	
Oliver Dobler	:	
Application No. 29/288,955	:	NOTICE
Filed: June 28, 2007	:	
Attorney Docket No. **229278**	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 July 06, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
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.
29/289,060	07/03/2007	Daniel Andrew Millar	14684.97	6617

22913 7590 04/15/2011
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER
HANSON, CHARLES D

ART UNIT	PAPER NUMBER
2916	

MAIL DATE	DELIVERY MODE
04/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 14, 2011

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

In re Application of	:
MILLAR, DANIEL ANDREW	: **DECISION ON PETITION**
Application No. **29/289060**	:
Filed: **07/03/2007**	:
Attorney Docket No: **14684.97**	

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 03, 2007.

The petition is **DISMISSED.**

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☑

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/289,060	07/03/2007	Daniel Andrew Millar	14684.97	6617

7590 05/04/2011
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER
HANSON, CHARLES D

ART UNIT	PAPER NUMBER
2916	

MAIL DATE	DELIVERY MODE
05/04/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

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 3, 2011

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

Re Application of
MILLAR, DANIEL ANDREW
Application: **29/289060**
Filed: **07/03/2007**
Attorney Docket No: **14684.97**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS
:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 26, 2011.

The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

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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MAILED
AUG 02 2011
OFFICE OF PETITIONS

ROGER J.A. COURNOVER
4299 N.W. 16TH STREET #203
LAUDERDALE, FL 33313-5819

In re Application of	:	
Yoji Okuda	:	
Application No. 29/289,083	:	DECISION ON PETITION
Filed: July 6, 2007	:	
Attorney Docket No. FPO-CE-27021	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 2, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before December 24, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed September 24, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 25, 2007. A Notice of Abandonment was mailed on January 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $430 issue fee, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of A is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning

this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120223

DATE : February 23, 2012

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D637240

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Stella Reid/ **Art Unit** 2912

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
SEP 20 2011
OFFICE OF PETITIONS

John Alumit
16830 Ventura Blvd. Suite 360
Encino CA 91364

In re Application of	:	
Gormezano	:	
Application No. 29/289,401	:	DECISION ON PETITION
Filed: July 17, 2007	:	
Attorney Docket No. 22779-007	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected drawings on or before February 7, 2009, as required by the Notice of Allowability, mailed November 7, 2008. Accordingly, the date of abandonment of this application is February 8, 2009. A Notice of Abandonment was mailed on March 5, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings , (2) the petition fee of $810.00 ; (3) an acceptable statement of unintentional delay, and a terminal disclaimer and $70.00 fee.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the

terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The Rule 137(b) petition fee was paid on May 12, 2009. It is unnecessary to submit another petition fee. The $810.00 petition fee submitted on September 6, 2011 will be credited to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to the Office of Data Management for consideration of the drawings filed on May 12, 2009.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN ALUMIT
16830 VENTURA BLVD.,
SUITE 360
ENCINO CA 91364

MAILED

SEP 28 2011

OFFICE OF PETITIONS

In re Application of :
Jeremy Gormezano :
Application No. 29/289,402 : DECISION ON PETITION
Filed: July 17, 2007 :
Attorney Docket No. 22779-006 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of Response/Replacement Drawings and Terminal Disclaimer with fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Ex Parte Quayle Office action mailed May 13, 2011, is accepted as having been unintentionally delayed.

The Terminal Disclaimer submitted with the above petition has been acknowledged.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

AUG 3 0 2010

OFFICE OF PETITIONS

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Patent No. D587017	:	
Issue Date: February 24, 2009	:	
Application No. 29/290,215	:	ON PETITION
Filed: November 5, 2007	:	
Attorney Docket No. 29771.020.00	:	

This is a decision on the petition under 37 CFR 1.182, filed March 26, 2010, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to the Office of Data Management at (703) 308-9250.

A copy of this decision is being forwarded to the Publishing Division for issuance of duplicate Letters Patent.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, RSQ, (Fax – (571) 270-9753))

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.
29/290,265	11/13/2007	Bas Ording	1001580-001026	6507

7590 03/04/2011
BUCHANAN INGERSOLL & ROONEY, PC
1737 King Street, Suite 500
ALEXANDRIA, VA 22314

EXAMINER
TUNG, MELANIE H

ART UNIT	PAPER NUMBER
2911	

NOTIFICATION DATE	DELIVERY MODE
03/04/2011	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

March 2, 2011

BUCHANAN INGERSOLL & ROONEY, PC
1737 King Street, Suite 500
ALEXANDRIA VA 22314

In re Application of	:	
Bas Ording, et al	:	**DECISION ON PETITION**
Application No. 29290265	:	
Filed: 11/13/2007	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **1001580-001026**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 13, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The.specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FLIP & TUMBLE, LLC
6500 FAIRMOUNT AVE
SUITE 7A
EL CERRITO CA 94530

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Hetal JARIWALA et al.	:	
Application No. 29/291,707	:	DECISION ON PETITION
Filed: September 11, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 08, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed, June 08, 2009, which set a period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 09, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $810.00, (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the reply to the Notice of Non-Compliant Amendment of June 08, 2009 is accepted as having been unintentionally delayed.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2915 for processing.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Edgar A. Zarins
Masco Corporation
21001 Van Born Road
Taylor MI 48180

FEB 16 2011

In re Application of
MCCONNELL, JENNIFER
Application No.: 29/291, 862
Filing or 371(c) Date: September 19, 2007
Attorney Docket Number: 445-3317-D

DECISION ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment under 37CFR § 1.81 (a), received in the United States Patent and Trademark Office (USPTO) on September 5, 2008.

This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the corrected drawings as required by the Notice of Allowance, mailed May 2, 2008 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on August 27, 2008.

Petitioner states that the replacement sheet drawings were timely filed via the USPTO on July 23, 2008. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission.

In view of the foregoing, the holding of abandonment for failure to timely submitting drawings is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
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

GARY L. EASTMAN
Gary L. Eastman, APLC
401 W. "A" Street, Suite 1785
SAN DIEGO CA 92101

MAILED
JUN 15 2011
OFFICE OF PETITIONS

In re Application of
Manko
Application No. 29/291,885
Filed: September 19, 2007
Attorney Docket No. 1511-DP01

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 2, 2011, to revive the above-identified design application.

The petition is **Dismissed**.

Any request for reconsideration 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 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. §704.

The application became abandoned for failure to timely submit corrected drawings on or before May 26, 2009, as required by the Notice of Allowability, mailed February 26 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 27, 2009. A Notice of Abandonment was mailed on June 24, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). A terminal disclaimer and the $70 terminal disclaimer fee is required under 37 CFR 1.137(c) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

As to item (4), a terminal disclaimer and terminal disclaimer fee is required. The terminal disclaimer provided is for the incorrect application.

A review of the petition and terminal disclaimer shows that the incorrect application number has been provided. The correct application number for the application titled "Reusable Label" is 29/291,**885** not 29/291,855.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
JUL 28 2011
OFFICE OF PETITIONS

GARY L. EASTMAN
Gary L. Eastman, APLC
401 W. "A" Street, Suite 1785
SAN DIEGO CA 92101

In re Application of
Manko
Application No. 29/291,885
Filed: September 19, 2007
Attorney Docket No. 1511-DP01

: DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 20, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit corrected drawings on or before May 26, 2009, as required by the Notice of Allowability, mailed February 26 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 27, 2009. A Notice of Abandonment was mailed on June 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $430 issue fee, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely submit corrected drawings as required by the Notice of Allowability is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEEE- SPECIAL EDUCATIONAL ENTERTAINMENT ENTERPRISE
367 MERCER LOOP, JERSEY CITY
JERSEY CITY NJ 07302

MAILED
SEP 28 2010
OFFICE OF PETITIONS

In re Application of	:	
Celia Zenaida Aborro	:	
Application No. 29/292,534	:	DECISION ON PETITION
Filed: May 23, 2008	:	
	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment, mailed May 26, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 27, 2009. The Notice of Abandonment was mailed December 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The Terminal Disclaimer has been accepted.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2912 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100924

DATE : September 24, 2010

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction on Patent No.: D584,884

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /ROBERT M. SPEAR/ **Art Unit** 2915

PAGE 1/3 * RCVD AT 9/24/2010 2:13:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/13 * DNIS:2709990 * CSID: * DURATION (mm-ss):01-22

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: D584,884
DATED: January 20, 2009
INVENTOR(S): Tvoua, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

(56) References Cited is corrected to add the references listed on the next page of this certificate.

PAGE 2/3 * RCVD AT 9/24/2010 2:13:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/13 * DNIS:2709990 * CSID: * DURATION (mm-ss):01-22

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

(56) References Cited is corrected to add the following references:

524,946	*	08/1894	Kregel	36/8.2
641,642	*	01/1900	Gunn	36/97
1,633,413	*	06/1927	La Marca	36/91
2,009,684	*	07/1935	Affronte	36/97
2,497,175	*	02/1950	Mantos	36/97
2,523,449	*	09/1950	Rosenzweig	36/97
2,952,925	*	09/1960	Held	36/97
3,389,481	*	06/1968	England	36/97
3,436,842	*	04/1969	Sachs	36/97
3,997,985	*	12/1976	Shiina	36/97
4,120,103	*	10/1978	Colby	36/97
4,727,662	*	03/1988	Lion	36/132
5,265,349	*	11/1993	Munschy	36/97
5,570,523	*	11/1996	Lin	36/112
5,659,980	*	08/1997	Lin	36/112
5,682,687	*	11/1997	Arai	36/97
5,966,840	*	10/1999	Bell et al.	36/7.6
6,138,385	*	10/2000	Jungkind et al.	36/97
6,237,255	*	052001	Renaudin et al.	36/97
6,374,515	*	04/2002	Davis	36/97
6,438,872	*	08/2002	Chil et al.	36/97
6,574,888	*	06/2003	Miller et al.	36/97
6,701,643	*	03/2004	Geer et al.	36/97
6,742,286	*	06/2004	Giovale	36/97
2002/0178617	*	12/2002	Chil et al.	36/97
2003/0106244	*	06/2003	Miller et al.	36/97
2003/0192204	*	06/2003	Miller et al.	36/97

UNITED STATES PATENT AND TRADEMARK OFFICE

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JACKSON INTELLECTUAL
PROPERTY GROUP PLLC
106 STARVALE LANE
SHIPMAN VA 22971

MAILED
NOV 17 2010
OFFICE OF PETITIONS

In re Application of :
Ching :
Application No. 29/293,993 : DECISION
Filed: 20 December, 2007 :
Attorney Docket No. BHT/3123-213 :

This is a decision on the petition filed on 11 February, 2010, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance, mailed on 10 July, 2009, with reply due under a non-extendable deadline on or before 13 October, 2009.

The application went abandoned by operation of law after midnight 13 October, 2009.

The Office mailed the Notice of Abandonment on 23 October, 2009.

On 2 November, 2009, Petitioner/new Counsel filed a petition (with fee) pursuant to 37 C.F.R. §1.137(a), averring unavoidable delay, with a terminal disclaimer and fee and a reply in the form

of fees due. Further, Petitioner expressly requests that the Office "withdraw the holding of abandonment"—a matter the Office considers pursuant to the regulations at 37 C.F.R. §1.181—but argues that Petitioner's delay was "unavoidable" because former Counsel "was disbarred on 10/2/2009 *** and did not pay the Issue Fee." Petitioner appeared to confuse petitions to revive with requests to withdraw the holding of abandonment.[1] *(It was noted that the Email from the foreign Counsel indicated that "the inventor of the assignee is still qualified as a small entity." However, entity status is linked to the assignee (which Office records indicate is Perfect Union Co. Ltd. of Taiwan), not the inventor/assignor. Upon dismissal of the petition on Petitioner was reminded that he* ***must*** *clarify this status issue on any renewed petition, and the Office is treating Petitioner's submission of the instant petition and fee as having made the inquiry necessary—if Petitioner has not already made that inquiry, Petitioner* ***must*** *do so now, and if that inquiry reveals that the entity is other than a small entity, Petitioner* ***must*** *so immediately Notice the Office.)*

On 11 February, 2010, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, with reply in the form of fees due; pointed to the previously filed terminal disclaimer and fee and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3]

---

[1] In this regard, Petitioner is directed to the the guidance in the Commentary at MPEP §711.03(c)—see: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c ; and the showing requirements for relief pursuant to 37 C.F.R. §1.137(a) can be found at the guidance in the Commentary at MPEP §711.03(c)(II): also located at http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c .

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[4]))

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

[4] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[5] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 19 2010

OFFICE OF PETITIONS

DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE SC 29602-1449

In re Application of
McGlothlin, et al.
Application No. 29/294,345
Filed: January 7, 2008
Atty. Dkt. No.: KCX-1670-D

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 14, 2010.

The petition is **GRANTED**.

This application became abandoned June 3, 2010 for failure to timely reply to the Notice of Allowability (Notice) mailed March 2, 2010. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed June 17, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
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
DIW Jan-11

DAVE SCADDEN
6153 NORTH 1950 EAST
LIBERTY UT 84310

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of :
Dave Scadden : DECISION ON PETITION
Application Number: 29/294941 :
Filing Date: 02/04/2008 :
For: FISHING BOAT PONTOON :

This is a decision on the petition filed on November 12, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on October 4, 2008, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on July 3, 2008, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on October 27, 2008.

Receipt of the issue fee is acknowledged.

The terminal disclaimer filed on November 12, 2010, under 37 CFR 1.137(c) has been entered and made of record. Effective September 8, 2000, 37 CFR 1.137(c)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c).[1] Accordingly, the period of the terminal disclaimer filed on November 12, 2010, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

The application is referred to the Office of Data Management for processing into a patent.

[1] 65 Fed. Reg. 54,674 (2000).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D. Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110222

DATE : February 22, 2011

TO SPE OF : ART UNIT 2917

SUBJECT : Request for Certificate of Correction on Patent No.: D612296

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch – ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Hyder S. Philip/ **Art Unit** 2917

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

SAIDMAN DESIGNLAW GROUP
8601 GEORGIA AVE
SUITE 603
SILVER SPRING MD 20910

In re Application of	:	
SATOU, KENICHI	:	
Application No.: 29/295126	:	DECISION ON
Filing or 371(c) Date: September 21, 2007	:	PETITION
Attorney Docket Number: **1720.118**	:	

This is a decision on the Petition to Withdraw Holding of Abandonment under 37CFR 1.81 (a), received in the United States Patent and Trademark Office (USPTO) May 8, 2008.

This petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit the Issue Fee and Publication Fee as required by the Notice of Allowance, mailed January 11, 2008 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on May 5, 2008.

Petitioner states that the issue fee and publication fee were timely submitted. As evidence, petitioner submitted a copy of the previously filed correspondence which included a completed Certificate of Mailing and a statement which attests to the previous mailing.

In view of the above, the holding of abandonment is hereby withdrawn and the application has been restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1499.

Kendrick Spruill
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

SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC
TWO RAVINIA DRIVE AVENUE
SUITE 700
ATLANTA, GA 30346

MAILED

SEP 17 2010

OFFICE OF PETITIONS

In re Application of :
Adam Nelson :
Application No. 29/295,215 :
Filed: September 24, 2007 :
Attorney Docket No. 14012.1020 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 3, 2010, to revive the above-identified design application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Continued Prosecution Application (CPA) under 37 CFR 1.53(d); (2) the petition fee of $810; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of the CPA.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2911 for processing of the CPA.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC
Two Ravinia Drive
Suite 700
ATLANTA GA 30346

MAILED

AUG 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Adam Nelson	:	
Application No. 29/295,216	:	ON PETITION
Filed: September 24, 2007	:	
Attorney Docket No. 14012.1030	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 3, 2010, to revive the above-identified design application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Continued Prosecution Application (CPA) under 37 CFR 1.53(d); (2) the petition fee of $810; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of the CPA.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2911 for processing of the CPA.

Terri Johnson
Petitions Examiner
Office of Petitions

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BLANK ROME LLP
ONE LOGAN SQUARE
PHILADELPHIA PA 19103

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Amar Lulla, et al.	:	
Application No. 29/295,424	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 135219.00104	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed March 18, 2010 , which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 19, 2010. The Notice of Abandonment was mailed October 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment, (2) the petition fee of $1,620, (3) a terminal disclaimer and fee as required by 37 CFR 1.137(d), and (4) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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BRIDGETT WASHINGTON
1224 S. HIAWASSEE RD. APT 635
ORLANDO FL 32835

MAILED

FEB 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Washington	:	
Application No. 29/295,644	:	DECISION
Filed/Deposited: 2 October, 2007	:	
Attorney Docket No. (None)	:	

This is a decision on the papers filed on 12 July, 2010, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

The papers considered as the instant petition were received into the Office of Petitions for determination only at this writing.

Petitioner has not followed the clear language of the guidance in the Commentary at MPEP §711.03(c)(I) as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

The petition pursuant to 37 C.F.R. §1.181 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 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Application No. 29/295,644

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 27 November, 2009, with reply due under a non-extendable deadline on or before 1 March, 2010—the record reflects that the credit card authorization was denied.

The application went abandoned by operation of law after midnight 1 March, 2010.

The Office mailed the Notice of Abandonment on 12 March, 2010.

On 12 July, 2010—four (4) months later—Petitioner filed, *inter alia*, the instant petition pursuant to 37 C.F.R. §1.181, and averred that timely reply and that sufficient funds were available in a bank account to satisfy the charge she authorized to a credit card. However, the record is clear that the charge Petitioner authorized against her account was denied when the Office sought to act on Petitioner's authorization. If there was an error in refusing the charge, the error clearly was with Petitioner's banking and/or credit card institution. Moreover, Petitioner's reply to the Notice of Abandonment was late under the rule (37 C.F.R. §1.181).

Thus, Petitioner failed to make the showing as discussed below in the citation from the Manual of Patent Examining Procedure (MPEP).

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should

establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1]

***

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

***

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard

[1] *See*: MPEP §711.03(c) (I)(A).

receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [2]

***

Petitioner's reply to the Notice of Abandonment was late under the rule (37 C.F.R. §1.181), and Petitioner is reminded of the guidance set forth in the Commentary at MPEP §711.03(c) (in pertinent part):

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C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. §1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. §1.181(f).

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[2] *See*: MPEP §711.03(c) (I)(B).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. §1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

***

3.Utility and Plant Applications Filed on or After May 29, 2000

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should **not** be required as a condition of granting an untimely petition to withdraw the holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 C.F.R. §1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37 C.F.R. §1.704(a) by a period equal to the period of time during which the applicant "failed to engage in reasonable efforts to conclude prosecution" (processing or examination) of the application.

Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 C.F.R. §1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 C.F.R. §1.137(a) or (b) (***).

***

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[3]

[3] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[4],[5]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[6]

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[4] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[5] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[6] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and 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." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[7]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[7] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRIDGETT WASHINGTON
1224 S. HIAWASSEE RD. APT 635
ORLANDO FL 32835

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of :
Washington :
Application No. 29/295,644 : DECISION
Filed/Deposited: 2 October, 2007 :
Attorney Docket No. (None) :

This is a decision on the papers filed on 21 April, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

Petitioner's own documentation submitted herein strongly indicates that she cannot make the showing required under the Rule and pursuant to the guidance in the Commentary at MPEP §711.03(c)(I) for relief pursuant to 37 C.F.R. §1.181.

Petitioner is cautioned that further delay in filing a proper petition to revive pursuant to 37 C.F.R. §1.137(b), with fee, reply in the form of fees due, make the statement of unintentional delay (within the petition form), and a terminal disclaimer and fee may be considered delay that is other than unintentional.

Further, Petitioner appears to have initiated multiple calls and conversations to/with multiple departments within the Office and thereafter commenced to refer to statements alleged to have been made in such calls and conversations. Petitioner is reminded and cautioned that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) and/or inactions.

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The petition pursuant to 37 C.F.R. §1.181 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 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 27 November, 2009, with reply due under a non-extendable deadline on or before 1 March, 2010—the record reflects that the credit card authorization was denied.

The application went abandoned by operation of law after midnight 1 March, 2010.

The Office mailed the Notice of Abandonment on 12 March, 2010.

On 12 July, 2010—four (4) months later—Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181, and averred timely reply and that sufficient funds were available in a bank account to satisfy the charge she authorized to a credit card. However, the record is clear that the charge Petitioner authorized against her account was denied when the Office sought to act on Petitioner's authorization. If there was an error in refusing the charge, the error clearly was with Petitioner's banking and/or credit card institution. Moreover, Petitioner's reply to the Notice of

Abandonment was late under the rule (37 C.F.R. §1.181). The petition was dismissed on 22 February, 2011.

On 21 April, 2011, Petitioner re-advanced her petition pursuant to 37 C.F.R. §1.181, and averred that:

- the Office mailed the Notice of Abandonment 12 March, 2010, to the wrong address,[2] however, the record is clear that:

  —the Notice of Abandonment was mailed to the then-correspondence address of record—which was the also the address of record to which the Notice of Allowance/Allowability and Fees Due was mailed on 27 November, 2009, and was the address placed by Petitioner on a certificate of mailing submitted on 4 March, 2010; and

  —Petitioner did not file of record a Notice of Change of Address until 12 July, 2010;[3] and

- she replied timely and properly as to the payment of fees due, sufficient funds were available in a bank account to satisfy the charge she authorized to a credit card and no effort was made by the Office to charge her account with her banking institution (Fairwinds Credit Union Bank), however, the record also is clear that:

  —Petitioner's submission of a letter dated 13 April, 2011—more than thirteen (13) months after the fact—from her banking institution is not persuasive in light of the contemporaneous record of the Office dated 4 March, 2010, which evidenced that Petitioner's institution refused the charge against her account on that date; and

  —a review of the record, reflecting back upon the banking statement submitted by Petitioner on 12 July, 2010, indicates that the successive charges assessed by Petitioner's banking institution against her account between the beginning balance date of 1 March, 2010, and 4 March, 2010, did not leave funds sufficient to cover the charge of $430.00 authorized by Petitioner on 4 March, 2010—it was 8 March, 2010, before Petitioner move sufficient funds into the account to cover the charge.

Thus, not only did Petitioner again fail to make the showing as discussed below in the citation from the Manual of Patent Examining Procedure (MPEP), it is clear from Petitioner's own documentation that she cannot make the showing required.

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[2] To wit: 2019 Terhune Avenue, Orlando, Florida 32818.

[3] Petitioner's averment that she filed a change of address with the U.S. Postal Service is of no moment. Petitioner failed to timely and properly Notice the Office as to her change of Address.

Petitioner has no choice herein, save to file a proper petition to revive pursuant to 37 C.F.R. §1.137(b), with fee, reply in the form of fees due, make the statement of unintentional delay (within the petition form) and submit a terminal disclaimer with fee.

Petitioner is cautioned once again that any undue delay in filing such a proper petition may be considered delay that is other than unintentional.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

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> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[4]

***

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

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[4] *See*: MPEP §711.03(c) (I)(A).

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [5]

***

[5] *See*: MPEP §711.03(c) (I)(B).

Petitioner's reply to the Notice of Abandonment was late under the rule (37 C.F.R. §1.181), and Petitioner is reminded of the guidance set forth in the Commentary at MPEP §711.03(c) (in pertinent part):

***

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. §1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. §1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. §1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

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3.Utility and Plant Applications Filed on or After May 29, 2000

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should **not** be required as a condition of granting an untimely petition to withdraw the holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 C.F.R. §1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37 C.F.R. §1.704(a) by a period equal to the period of time during which the applicant "failed to engage in reasonable efforts to conclude prosecution" (processing or examination) of the application.

Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 C.F.R. §1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 C.F.R. §1.137(a) or (b) (***).

***

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R.

§1.137(b). (See:
http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[6]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

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Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[7],[8]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits

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[6] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[7] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[8] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

> them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[9]

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See:
http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and 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." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

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[9] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 29/295,644

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[10]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[10] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

BRIDGETT WASHINGTON
1224 S. HIAWASSEE RD. APT 635
ORLANDO FL 32835

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Washington	:	
Application No. 29/295,644	:	DECISION
Filed/Deposited: 2 October, 2007	:	
Attorney Docket No. (None)	:	

This is a decision on the papers filed on 8 July, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

Once again:

- Petitioner's own documentation submitted herein strongly indicates that she cannot make the showing required under the Rule and pursuant to the guidance in the Commentary at MPEP §711.03(c)(I) for relief pursuant to 37 C.F.R. §1.181.

- Petitioner refers to multiple calls and conversations to/with multiple departments within the Office and thereafter commenced to refer to statements alleged to have been made in such calls and conversations. Petitioner is reminded and cautioned that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) and/or inactions.

Petitioner is cautioned that further delay in filing a proper petition to revive pursuant to 37 C.F.R. §1.137(b), with fee, reply in the form of fees due, make the statement of

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

unintentional delay (within the petition form), and a terminal disclaimer and fee may be considered delay that is other than unintentional.

The petition pursuant to 37 C.F.R. §1.181 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 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 27 November, 2009, with reply due under a non-extendable deadline on or before Monday, 1 March, 2010—the record reflects that the credit card authorization was denied.

The application went abandoned by operation of law after midnight Monday, 1 March, 2010.

The Office mailed the Notice of Abandonment on 12 March, 2010.

On 12 July, 2010—four (4) months later—Petitioner filed, *inter alia*:

- A partial correspondence indicating a change of address; and

- a petition pursuant to 37 C.F.R. §1.181, and averred timely reply and that sufficient funds were available in a bank account to satisfy the charge she authorized to a credit card. However, the record is clear that the charge Petitioner authorized against her account was denied when the Office sought to act on Petitioner's authorization. If there was an error in refusing the charge, the error clearly was with Petitioner's banking and/or credit card institution. Moreover, Petitioner's reply to the Notice of Abandonment was late under the Rule (37 C.F.R. §1.181). (In the interim, on 14 September, 2010, Petitioner filed a Notice of Change of Address.) The petition was dismissed on 22 February, 2011.

On 21 April, 2011, Petitioner re-advanced her petition pursuant to 37 C.F.R. §1.181, and averred that:

- the Office mailed the Notice of Abandonment 12 March, 2010, to the wrong address,[2] however, the record was clear that:

  —the Notice of Abandonment was mailed to the then-correspondence address of record—which was the also the address of record to which the Notice of Allowance/Allowability and Fees Due was mailed on 27 November, 2009, and was the address placed by Petitioner on a certificate of mailing submitted on 4 March, 2010; and

  —Petitioner did not file of record a Notice of Change of Address until 12 July, 2010;[3] and

- she replied timely and properly as to the payment of fees due, sufficient funds were available in a bank account to satisfy the charge she authorized to a credit card and no effort was made by the Office to charge her account with her banking institution (Fairwinds Credit Union Bank), however, the record also was clear that:

  —Petitioner's submission of a letter dated 13 April, 2011—more than thirteen (13) months after the fact—from her banking institution is not persuasive in light of the contemporaneous record of the Office dated 4 March, 2010, which evidenced that Petitioner's institution refused the charge against her account on that date; and

  —a review of the record, reflecting back upon the banking statement submitted by Petitioner on 12 July, 2010, indicates that the successive charges assessed by Petitioner's banking institution against her account between the beginning balance date of 1 March, 2010, and 4 March, 2010, did not leave funds sufficient to cover the charge of $430.00 authorized by Petitioner on 4 March, 2010—it was 8

[2] To wit: 2019 Terhune Avenue, Orlando, Florida 32818.

[3] Petitioner's averment that she filed a change of address with the U.S. Postal Serviceis of no moment. Petitioner failed to timely and properly Notice the Office as to her change of Address

> March, 2010, before Petitioner move sufficient funds into the account to cover the charge.

Not only did Petitioner again fail to make the showing as discussed below in the citation from the Manual of Patent Examining Procedure (MPEP), it was clear from Petitioner's own documentation that she could not make the showing required. The petition was dismissed on 9 May, 2011

On 8 July, 2011, Petitioner re-advanced her petition pursuant to 37 C.F.R. §1.181—one copy of which only 2 and one-half pages were visible, and the second copy of which contains copies of documents already of record, along with her pronouncements that she had spoken with several persons in the Office who made statements—however, there are no such statements in the record save a copy of a transmittal letter from Mr. Lindsey. Petitioner:

- Presented no new showing;
- Continued to point to conversations, which practice is inappropriate and improper; and
- Ignored the threshold issue that she failed to timely request relief under the Rule.

Petitioner is reminded that she has no choice herein, save to file a proper petition to revive pursuant to 37 C.F.R. §1.137(b), with fee, reply in the form of fees due, make the statement of unintentional delay (within the petition form) and submit a terminal disclaimer with fee.

Petitioner is cautioned once again that any undue delay in filing such a proper petition may be considered delay that is other than unintentional.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket

> or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[4]

***

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely fling:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge

[4] *See*: MPEP §711.03(c) (I)(A).

basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [5]

***

Petitioner's reply to the Notice of Abandonment was late under the rule (37 C.F.R. §1.181), and Petitioner is reminded of the guidance set forth in the Commentary at MPEP §711.03(c) (in pertinent part):

***

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. §1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. §1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. §1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

***

3. Utility and Plant Applications Filed on or After May 29, 2000

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should **not** be required as a condition of granting an untimely petition to withdraw the

[5] *See*: MPEP §711.03(c) (I)(B).

> holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 C.F.R. §1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37 C.F.R. §1.704(a) by a period equal to the period of time during which the applicant "failed to engage in reasonable efforts to conclude prosecution" (processing or examination) of the application.
>
> Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 C.F.R. §1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 C.F.R. §1.137(a) or (b) (***).
>
> ***

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[6]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the

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[6] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlyingfacts and circumstances when providing statements to the Patent and Trademark Office).

regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[7],[8]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[9]

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

---

[7] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 5315859 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[8] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay and also, by definition, are not intentional.))

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CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and 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." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[10]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[10] The regulations at 37 C.F.R. §1.2 provide:
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ORLANDO FL 32835

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Washington	:	
Application No. 29/295,644	:	DECISION
Filed/Deposited: 2 October, 2007	:	
Attorney Docket No. (None)	:	

This is a decision on the papers filed on 20 September, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The Office has directed that the petition pursuant to 37 C.F.R. §1.181 be and it hereby is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 27 November, 2009, with reply due under a non-extendable deadline on or before Monday, 1 March, 2010—the record reflects that the credit card authorization was denied.

The application went abandoned by operation of law after midnight Monday, 1 March, 2010.

The Office mailed the Notice of Abandonment on 12 March, 2010.

Four months later, on 12 July, 2010, Petitioner filed, *inter alia*: A partial correspondence indicating a change of address; and a petition pursuant to 37 C.F.R. §1.181, and averred timely reply with sufficient funds available in her bank account to satisfy the charge she authorized to a credit card. The record was clear that the charge Petitioner authorized against her account was denied by her bank when the Office sought to act on Petitioner's authorization—thus, the error, if any, was with Petitioner's banking/credit card institution. Petitioner's reply to the Notice of Abandonment was late under the Rule (37 C.F.R. §1.181). (In the interim, on 14 September, 2010, Petitioner filed a Notice of Change of Address.) The petition was dismissed on 22 February, 2011.

On 21 April, 2011, Petitioner re-advanced her petition pursuant to 37 C.F.R. §1.181.[1] Petitioner failed to make the showing required and the petition was dismissed on 9 May, 2011

On 8 July, 2011, Petitioner re-advanced her petition pursuant to 37 C.F.R. §1.181.[2] For the third time Petitioner failed to make the showing required, and the petition was dismissed on 18 July, 2011.

On 20 September, 2011, Petitioner re-advanced her petition for the fourth time. The Office directed that the petition be granted.

With regard to a request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) sets forth the proper procedures herein.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations

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[1] Petitioner averred that the Office mailed the Notice of Abandonment 12 March, 2010, to the wrong address (2019 Terhune Avenue, Orlando, Florida 32818). The clear record showing was that the Notice of Abandonment was mailed to the then-correspondence address of record (also the address of record to which the Notice of Allowance/Allowability and Fees Due was mailed on 27 November, 2009), and was the address placed by Petitioner on a certificate of mailing submitted on 4 March, 2010. Further, Petitioner did not file of record a Notice of Change of Address until 12 July, 2010. Petitioner averred timely and proper reply as to the payment of fees due, sufficient funds were available in a bank account to satisfy the charge she authorized to a credit card and no effort was made by the Office to charge her account with her banking institution (Fairwinds Credit Union Bank). Petitioner's submission of a letter dated 13 April, 2011—more than thirteen (13) months after the fact—from her banking institution was not persuasive in light of the contemporaneous record of the Office dated 4 March, 2010, which evidenced that Petitioner's bank refused the charge against her account on that date. Also, review of the record, reflecting back upon the bank statement submitted by Petitioner on 12 July, 2010, indicates that the successive charges assessed by Petitioner's banking institution against her account between the beginning balance date of 1 March, 2010, and 4 March, 2010, did not leave funds sufficient to cover the charge of $430.00 authorized by Petitioner on 4 March, 2010—it was 8 March, 2010, before Petitioner move sufficient funds into the account to cover the charge.

[2] Petitioner submitted materials, one copy of which only two (2) and one-half pages were visible, and the second copy of which contains copies of documents already of record, along with her statements that she had spoken with several persons in the Office who made statements—however, there are no such statements in the record save a copy of a transmittal letter from Mr. Lindsey. Petitioner: presented no new showing; continued to point to conversations, which practice is inappropriate and improper; and ignored the threshold issue that she failed to timely request relief under the Rule.

made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[3]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[4],[5]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[6]

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[3] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[4] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[5] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[6] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

CONCLUSION

Accordingly, the Office directed that the petition pursuant to 37 C.F.R. §1.181 be and it hereby is **granted**; and the 12 March, 2010, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[7]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[7] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

MAILED
SEP 20 2011
OFFICE OF PETITIONS

In re Patent No. D584776	:	
Issue Date: January 13, 2009	:	
Application No. 29/296,583	:	NOTICE
Filed: October 24, 2007	:	
Attorney Docket No. NPS-PT094	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane C. Goodwyn at (571) 272-6735.

for Thurman K. Page
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

RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Patent No. D589574	:	
Issue Date: March 31, 2009	:	
Application No. 29/297,292	:	DECISION ON PETITION
Filed: November 8, 2007	:	
Attorney Docket No. LIAN-103	:	

This is a decision on the petition filed September 23, 2009, under 37 CFR 1.182, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

The payment of $400 for the petition fee under 37 CFR 1.182 has been submitted.

Telephone inquiries concerning this decision may be directed to Diane C. Goodwyn at (571) 272-6735.

Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Ollie Person at (703) 756-1555 in the Office of Data Management.

A copy of this decision is being sent to the Office of Data Management for issuance of a duplicate Letters Patent.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: Ollie Person, Randolph Square, 9th Floor, Room D30-A (Fax No. (571) 270-9764)
Kimberly Terrell, Randolph Square, 9th Floor, Room D33 (Fax No. (571) 270-9958)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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INVERNESS MEDICAL INNOVATIONS / WSGR
WILSON SONSINI GOODRICH & ROSATI, P.C.
650 PAGE MILL ROAD
PALO ALTO, CA 94304

MAILED

JAN 3 1 2011

OFFICE OF PETITIONS

In re Application of
He X. Wei
Application No. 29/297,420
Filed: November 9, 2007
Attorney Docket No. 32209-740.997

ON PETITION

This is a decision on the petition filed January 14, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed September 8, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 9, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form the formal drawings; (2) the petition fee; (3) the required statement of unintentional delay and (4) Terminal Disclaimer have been received.

The Change of Correspondence Address received July 26, 2010 is not accepted. The Change of Correspondence Address was signed by Stacy L. Taylor. The Office records do not listed Stacy L. Taylor as the attorney of record. A courtesy copy of this decision is being mailed to Stacy L. Taylor, all other communications from the USPTO will be sent to the above-listed address until a correct Change of Correspondence Address is received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210. This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: DLA Piper LLP (US)
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

FEB 15 2011

OFFICE OF PETITIONS

In re Patent No. D588,279	:	
Issue Date: February 16, 2010	:	
Application No. 29/297,740	:	DECISION ON PETITION
Filed: November 16, 2007	:	
Attorney Docket No. 1365.136US1	:	

This is a decision on the petition filed December 29, 2010, under 37 CFR 1.182, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

The payment of $400 for the petition fee under 37 CFR 1.182 has been submitted.

Telephone inquiries concerning this decision may be directed to Diane C. Goodwyn at (571) 272-6735.

Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Ollie Person at (703) 756-1555 in the Office of Data Management.

A copy of this decision is being sent to the Office of Data Management for issuance of a duplicate Letters Patent.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: Ollie Person, Randolph Square, 9th Floor, Room D30-A (Fax No. (571) 270-9764)
Kimberly Terrell, Randolph Square, 9th Floor, Room D33 (Fax No. (571) 270-9958)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MEADWESTVACO CORPORATION
ATTN: IP LEGAL DEPARTMENT
1021 MAIN CAMPUS DRIVE
RALEIGH NC 27606

MAILED
FEB 10 2011
OFFICE OF PETITIONS

In re Application of	:	
STOCKSTILL, et al	:	DECISION
Application No. 29/298,883	:	ON PETITION
Filed: December 14, 2007	:	
Attorney Docket No. E20357-6	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 7, 2009.

The petition is **DISMISSED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed August 13, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on November 14, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

A terminal disclaimer and the $140 ($70 if small entity) terminal disclaimer fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted on the application equivalent to the period of abandonment of the application, and must also apply to any patent

granted on any application containing a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought.
If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
/Diane C. 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
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MAILED

APR 21 2011

OFFICE OF PETITIONS

MEADWESTVACO CORPORATION
ATTN: IP LEGAL DEPARTMENT
1021 MAIN CAMPUS DRIVE
RALEIGH NC 27606

In re Application of	:	
STOCKSTILL, et al	:	DECISION
Application No. 29/298,883	:	ON PETITION
Filed: December 14, 2007	:	
Attorney Docket No. E20357-6	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 8, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed August 13, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on November 14, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of $1620; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The replacement drawings have been approved by the examiner assigned to the above-identified application.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-6735.

This application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
Diane C. 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
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Dr. BANGER SHIA
Patent Office of Bang Shia
102 Lindencrest Ct
Sugar Land TX 77479-5201

MAILED
JUN 14 2011
OFFICE OF PETITIONS

In re Application of :
Zhou :
Application No. 29/299,608 :
Filed: December 29, 2007 :
Attorney Docket No. SW-971468 (SW-115) :
For: EXERCISE MACHINE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed December 31, 2008, which set a three month period for reply. This application became abandoned on April 1, 2009 for failure to file corrected drawings. A Notice of Abandonment was mailed on April 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a corrected drawing (2) the petition fee of $810.00; (3) a proper statement of unintentional delay, and (4) a terminal disclaimer accompanied by the required $70.00 fee.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application is being referred to the Office of Data Management for consideration of the drawings filed on May 24, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

MAILED
AUG 23 2011
OFFICE OF PETITIONS

In re Patent of Tajima et al. :
Patent No. D634,442 :
Issued: March 15, 2011 : DECISION ON PETITION
Application No. 29/299,804 : UNDER 37 CFR 1.55(c)
Filed: January 4, 2008 :
Attorney Docket No. 10287.105

This is a decision on the petition under 37 CFR 1.55(c), filed July 22, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to Japanese Application No. 2007-18884, filed July 11, 2007.

The petition is **GRANTED**.

This nonprovisional application was filed after November 29, 2000, and included a proper reference to the foreign application when it was filed. However, applicants did not provide a certified copy of the Japanese design application, for which benefit was sought, prior to issuance of the patent. Since this application was filed after November 29, 2000, a petition under 37 CFR 1.55(c), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed foreign application after issuance of the application into a patent. *See* MPEP 1481.03.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified design application must be filed within 6 months of the filing date of the foreign application.

This application was filed on January 4, 2008, which is after November 29, 2000 and within 6 months of July 11, 2007 (the filing date of the foreign application to which benefit is being claimed). On January 4, 2008, an ADS was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of $1,410.00 is being charged to patentees' deposit account. Patentees have provided a certificate of correction listing the benefit claim and paid the $100.00 certificate of correction fee. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition. Petitioners are advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that patentees are entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.55(c).

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
29/299,804	01/04/2008	2914	285	10287.105	1	1

CONFIRMATION NO. 1017

CORRECTED FILING RECEIPT

OC000000049426058

27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Date Mailed: 08/19/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Hideji Tajima, Matsudo-shi, JAPAN;
Yoshinao Hirahara, Matsudo-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 27683

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
JAPAN 2007-18884 07/11/2007

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to Retrieve Electronic Priority Application(s)** (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 01/25/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/299,804**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

APPARATUS FOR PROCESSING PROTEINS

Preliminary Class

D24

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

MAILED
OCT 08 2010
OFFICE OF PETITIONS

Patent No. D,576,851	:	
Application No. 29/300,252	:	
Filed: March 5, 2008	:	NOTICE
Issued: September 16, 2008	:	
Attorney Docket No. 3918-0108PUS1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley.
Petitions Examiner
Office of Petitions

cc: JAMES HELLWEGE
MUNCY, GEISSLER, OLDS & LOWE, PLLC
P O BOX 1364
FAIRFAX, VA 22038

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Patent No. D,587,762	:	
Application No. 29/300,397	:	
Filed: March 21, 2008	:	NOTICE
Issued: March 3, 2009	:	
Attorney Docket No. 3948-0110PUS1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: JAMES HELLWEGE
MUNCY, GEISSLER, OLDS & LOWE, PLLC
P O BOX 1364
FAIRFAX, VA 22038

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1364
FAIRFAX, VA 22038

MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Patent No.: D583,871	:	
Issued: December 30, 2008	:	
Application No. 29/300,398	:	NOTICE
Filed: March 21, 2008	:	
Attorney Docket No.: 3948-0118PUS1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Patent No.: D605,935	:	
Issued: December 15, 2009	:	
Application No. 29/300,399	:	NOTICE
Filed: March 21, 2008	:	
Attorney Docket No.: 3948-0111PUS1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JAMES W. HELLWEGE
MUNCY, GEISSLER, OLDS & LOWE
P.O. BOX 1364
FAIRFAX, VA 22038

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MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Patent No.: D585,738	:	
Issued: February 3, 2009	:	
Application No. 29/300,575	:	NOTICE
Filed: April 11, 2008	:	
Attorney Docket No.: 3948-0115PUS1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JAMES W. HELLWEGE
MUNCY, GEISSLER, OLDS & LOWE
P.O. BOX 1364
FAIRFAX, VA 22038

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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November 9, 2010

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of	:	
Tako, Hirotaka	:	
Application No. **29/300607**	:	**DECISION ON PETITION**
Filed: **04/17/2008**	:	
Attorney Docket No: **SDE-2352**	:	***ACCEPTANCE OF COLOR DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 17, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/300,607	04/17/2008	Hirotaka Tako	SDE-2352	1881

7590 11/09/2010
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER
BARKAI, RAPHAEL

ART UNIT	PAPER NUMBER
2915	

MAIL DATE	DELIVERY MODE
11/09/2010	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

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.
29/300,661	04/23/2008	Benedek Toth	038739.23902US	4005

23911 7590 08/31/2010
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
CADMUS, STACIA A

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
08/31/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

AUG 31 2010

In re Application of
TOTH, BENEDEK
Serial No.: 29300661
Filed: 4/23/08

: DECISION ON PETITION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION under 37 CFR 1.103(a) filed on 04/16/2010. The petition requests a second Suspension of Action by the office for the maximum 6 month period. A petition for suspension of action under 37 CFR 1.103(a) must:

(A) be presented as a separate paper;

(B) be accompanied by the petition fee set forth in 37 CFR 1.17(g);

(C) request a specific and reasonable period of suspension no greater than 6 months; and

(D) present good and sufficient reasons why the suspension is necessary.

DECISION

A review of the second petition reveals that the petition complies with the requirements of 37 CFR 1.103(a). Pursuant to applicant's request filed on 04/16/2010, action by the Office is suspended on this application under 37 CFR 1.103(a) for a period of six (6) months beginning on the mailing date of this decision. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

The Petition is GRANTED

Should there be any questions with regard to this letter please contact Caron D. Veynar by letter addressed to the Director, Technology Center 2900, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at (571) 272-2646. .

cdv

Robert Olszewski
Director, Technology Center 2900
Designs

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05-23-2011

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. 29300757 Patent No: D587062

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 (Co f C
Randolph Square – 9D10-

EvaJames

Should Priority Data be enter?

571-272-3422

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.

Caron D Veynar

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

SPE

2913
Art Unit

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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CHARLOTTE JORST
SKAGEN DESIGNS, LTD.
640 MAESTRO DRIVE
SUITE 100
RENO NV 89511

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of
Charlotte Kjolbe Jorst, et al.
Application No. 29/301,098
Filed: February 11, 2008
Attorney Docket No. 006

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 2010, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed November 18, 2009, which set a shortened statutory

period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a , (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

In view of the above, the petition is **GRANTED**.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business on the reply received July 16, 2010.

April M. Wise
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

Andrew S. Langsam
Pryor Cashman LLP
10th Floor
410 Park Avenue
New York NY 10022

MAILED

SEP 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Kris RODGERS	:	
Application No. 29/301,494	:	ON PETITION
Filed: March 3, 2008	:	
Attorney Docket No. 11562.04	:	

This is a decision on the terminal disclaimer filed May 10, 2010 which is being treated as a renewed petition under 37 CFR 1.137(b) to revive the above-identified application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely file corrected drawings on or before September 17, 2009, as required by the Ex Parte Quayle Action mailed July 17, 2009, which set a shortened statutory period for reply of two (2) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 18, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4). The terminal disclaimer filed May 10, 2010 is incomplete as it does not state the ownership of the application.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries should be directed to the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450

MAILED

JAN 21 2011

OFFICE OF PETITIONS

Pryor Cashman LLP
7 Times Square
New York, New York 10036-6569

In re Application of
Kris RODGERS
Application No. 29/301,494
Filed: 3 March 2008
Atty. Docket No. 11562.04

: DECISION GRANTING PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed 30 September 2010, to revive the above-identified application.

The Petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner corrected drawings on or before 17 September 2009, as required by the Ex Parte Quayle Action mailed 17 July 2009 ("Action"), which set a shortened statutory period of reply of two (2) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on 18 September 2009.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply, (2) a petition fee, (3) a statement of unintentional delay for the entire delay period, and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Of specific note, the Terminal Disclaimer filed with the 30 September 2010 petition satisfies 37 CFR 1.137(d). The reply to the Office action is accepted as having been unintentionally delayed.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051), or, if unavailable, the undersigned at 571-272-7099.

The application file will be referred to Technology Center Art Unit 2913 for further action on the filed Response.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Dan M. DeLaRosa, Esq.
Suite 24C
300 E 77th Street
New York NY 10075

MAILED
OCT 28 2010
OFFICE OF PETITIONS

In re Application of	:	
ROBINSON et al.	:	
Application No. 29/301,624	:	DECISION ON PETITION
Filed: 03/11/2008	:	
Attorney Docket No. P-0147DUS	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 26, 2010, to revive the above-identified application.

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action of May 26, 2009, which set a three (3) month shortened statutory period for reply. Petitioners obtained an extension of this time period for response within the first month. Accordingly, the application became abandoned on September 27, 2009. A Notice of Abandonment was mailed on January 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

Accordingly, the failure to respond timely to the final Office action is accepted as being unintentionally delayed. The petition under 37 CFR 1.137(b) is **GRANTED**. The terminal disclaimer is accepted and has been made of record.

This application is being referred to Technology Center AU 2917 for appropriate action.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAILED
JUL 15 2011
OFFICE OF PETITIONS

In re Patent of Yamamoto et al. :
Patent No. D585,084 :
Issued: January 20, 2009 : ON PETITION
Application No. 29/301,723 :
Filed: March 13, 2008 :
Attorney Docket No. 08151/LH

This is a decision on the REQUEST FOR CORRECTED FILING RECEIPT TO CORRECT FILING DATE OF APPLICATION, filed April 14, 2008, which is properly treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be considered as filed on March 12, 2008, which is the "date-in" or other official USPS notation on the U.S. Postal Service Pickup Service Statement, instead of the currently accorded filing date of March 13, 2008. In addition, this decision addresses the request for issuance of certificate of correction to correct the filing date of the application, filed June 9, 2011.

The petition under 37 CFR 1.10(c) is **DISMISSED**.

The request for issuance of a certificate of correction under 37 CFR 3.81(b) is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted

37 CFR 1.10(c) sets forth procedures for filing a petition to the Director for a filing date as of the date of deposit with the USPS, where there is a discrepancy between the filing date initially accorded by the Office and the "date in" entered by the USPS or other official USPS notation.

To be grantable, a petition must:

(1) be filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) include a showing that the number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing; and

(3) include a true copy of the "Express Mail" mailing label showing the "date in" or other official notation by the USPS.

This petition lacks item (3) above. The U.S.P.S. Pickup Service Statement was signed by a postal employee on March 12, 2008. However, the U.S.P.S Pickup Service Statement only establishes 6 Express Mail packages were picked up on March 12, 2008. While petitioners assert the Express Mail Record referencing Express Mail label No. EM165822944US, among 5 other Express Mail label numbers, was attached to the U.S.P.S. Service Pickup Statement, there is no mention of an attached listing of Express Mail label numbers on the U.S.P.S. Service Pickup Statement. The U.S. P.S. Service Pickup Statement establishes that 6 packages were picked up on March 12, 2008, but does not establish the specific Express Mail label numbers associated with the 6 Express Mail packages. The petition under 37 CFR 1.10(c) is dismissed.

Regarding petitioners' request for a certificate of correction: The Office will grant a certificate of correction under 35 U.S.C. 254 where there is a mistake in the patent that is clearly disclosed by the Office records. With respect to filing date, an applicant must be requesting an earlier, rather than later filing date because a later filing date would make more prior art available to the examiner that he/she may be able to use to reject the claims. Thus, for example, if applicant filed a 1.10(c) petition before the patent was granted which had a copy of the Express Mail mailing label showing the date-in that applicant was requesting as the filing date and the filing date being requested was an earlier filing date, the Office's records would show the mistake in the patent and the Office would be able to grant a certificate of correction under 35 U.S.C. 254. The petition and evidence must have been filed before the patent was granted to be able to state that the mistake in the patent is clearly disclosed by the Office's records.

In the present case, there is insufficient evidence in the record to grant the petition for an earlier filing date. Patentee should consider filing a reissue application.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
29/301,794	03/17/2008	Susan Elaine Criss	D1325	6895

7590 01/11/2011
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER
BAHTA, ABRAHAM

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
01/11/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 11, 2011

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

In re Application of	:	**DECISION ON PETITION**
CRISS, SUSAN ELAINE, ET AL.	:	
Application No. **29/301794**	:	***ACCEPTANCE OF COLOR***
Filed: **03/17/2008**	:	***DRAWINGS***:
Attorney Docket No: **D1325**	:	

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 17, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE :

TO SPE OF : ART UNIT

SUBJECT : Request for Certificate of Correction on Patent No.:

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

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

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re Application of	:	
Masaaki Ohari	:	
Application No. 29/303,091	:	ON PETITION
Filed: January 31, 2008	:	
For: AUTOMOBILE TIRE	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 5, 2010, to revive the above-identified application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4).

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED
APR 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Masaaki Ohara	:	
Application No. 29/303,091	:	DECISION ON PETITION
Filed:January 31, 2008	:	
Attorney Docket No.081123	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 16, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee and submit corrected drawings on or before January 21, 2010, as required by the Notice of Allowance and Fee(s) Due/Notice of Allowability, mailed October 21, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 22, 2010. A Notice of Abandonment was mailed on February 5, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee, corrected drawings and the required terminal disclaimer/fee, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee and submit corrected drawings as required by the Notice of Allowance/Notice of Allowability mailed October 21, 2009 is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the

terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3208.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/02/10

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29303162 Patent No.: D589798

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 (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

ROBERT M. SPEAR, SPE 2915
~~DESIGN PRACTICE SPECIALIST~~ SPE — Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
NOV 18 2010
OFFICE OF PETITIONS

GEOFFREY E. DOBBIN, PATENT ATTORNEY
4278 SOUTH 6220 WEST
WEST VALLEY CITY, UT 84128-6501

In re Application of	:	
Richard M. Fitzpatrick, et al.	:	
Application No. 29/303,203	:	ON PETITION
Filed: February 1, 2008	:	
Attorney Docket No.: GDRMF01WW	:	

This is a decision on the petition, filed September 9, 2010, to revive the above-identified application under 37 CFR 1.137(b).

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to pay the issue fee on or before October 8, 2009, as required by the Notice of Allowance and Fee(s) Due mailed July 8, 2009. The issue fee was paid on October 12, 2009. On October 23, 2009, a Notice of Abandonment was mailed. In response, on September 9, 2010, the present petition was filed.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

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[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

The petition lacks item (4) above. The terminal disclaimer filed September 9, 2010 cannot be accepted as the petitioner has no authority to sign the terminal disclaimer on behalf of the applicant. See 37 CFR 1.321(b)(1)(iv). Specifically, an appropriate power to the signing attorney has not been filed in this application. Since the above-identified application is a design application, 37 CFR 1.137(d) requires a proper terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application.

Receipt is acknowledged of the $70 terminal disclaimer fee paid on September 9, 2010; however, the petition cannot be granted until a properly signed terminal disclaimer is filed.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web[3]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[3] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAR 10 2011

OFFICE OF PETITIONS

GEOFFREY E. DOBBIN, PATENT ATTORNEY
4278 SOUTH 6220 WEST
WEST VALLEY,
CITY UT 84128-6501

In re Application of :
Richard M. Fitzpatrick, et al. :
Application No. 29/303,203 : ON PETITION
Filed: February 1, 2008 :
Attorney Docket No.: DRMF01WW :

This is a decision in response to the renewed petition, filed January 18, 2011, to revive the above-identified design application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before October 8, 2009. A Notice of Abandonment was mailed on October 23, 2009. On September 9, 2010, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed November 18, 2010. On January 18, 2011, the present petition was filed.

The petition, as supplemented on January 18, 2011, satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $430 issue fee, (2) the petition fee of $810, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed January 18, 2011 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
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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AUG 02 2010

OFFICE OF PETITIONS

ROGER A. GILCREST
250 WEST STREET
COLUMBUS OH 43216-7513

In re Application of
Brian Klock
Application No. 29/303,294
Deposited: April 21, 2008
Attorney Docket No. KLWK-1-1002

: DECISION ON PETITION

This is a decision on the PETITION and REPLY TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION - NO FILING DATE GRANTED filed April 20, 2009. The petition is treated under 37 CFR 1.53, to accord the above identified application a filing date of February 5, 2008 and in response to the Notice of Incomplete Application mailed March 27, 2009.

On the date of deposit, the filing included, inter alia, a specification, three (3) sheets of drawings and an Application Data Sheet (ADS), although without an Oath or Declaration and filing fees. After having accorded a filing date, the application proceeded through prosecution to the mailing of the Notice of Allowance on October 3, 2008. However, by Notice dated November 5, 2008, pursuant to 37 CFR 1.313, the application was withdrawn from issue by the Office to permit reopening of prosecution. In view thereof, on March 27, 2009 the previously mailed Notice to File Missing Parts and Application Filing Receipt were withdrawn and a Notice of Incomplete Nonprovisional Application was mailed on even date, stating that the specification did not include at least one claim in compliance with 35 USC 112 and that the filing date of the application would be the date of receipt of a claim in compliance with 35 USC 112.

In response, Applicant petitions that the Commissioner either (1) rescind the Notice and allow the subject application to proceed to issuance with the recognition of the original filing date of February 5, 2008, or, in the alternative, (2) accord the subject application the filing date of September 24, 2008, at which time the subject application was amended as described herein (subject to further amendment should it be determined that Applicant is entitled to the original filing date of February 5, 2008). Applicant requests further that the petition fee under 37 CFR 1.117(f) be refunded to Applicant.

Petitioner argues that the application was filed with a specification containing the following language:

"The ornamental design for a motorcycle windshield, as shown",
however, pursuant to an Examiner initiated action, the language was amended by the

Examiner for accuracy, not sufficiency, by inserting the words "I CLAIM:" in advance of the noun phrase "The ornamental design for a motorcycle windshield, as shown" in the Notice of Allowance and Examiner's Amendment of October 3, 2008. Petitioner argues further that in view thereof, "the Examiner clearly recognized the original language as a patent claim."

Petitioner's arguments have been considered but are not found to be persuasive. The application was not filed with a declaration stating what the inventors claimed to be their invention and without an Oath having been filed upon application, there was no language on filing that could be construed as a claim for the purposes of according a filing date.[1]

STATUTES AND REGULATIONS

35 U.S.C. 111 provides:

(a) IN GENERAL.-

(1) WRITTEN APPLICATION. --An application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title, in writing to the Director.

(2) CONTENTS. --Such application shall include --

(A) a specification as prescribed by section 112 of this title;

(B) a drawing as prescribed by section 113 of this title; and

(C) an oath by the applicant as prescribed by section 115 of this title.

(3) FEE AND OATH. --The application must be accompanied by the fee required by law. The fee and oath may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director.

(4) FAILURE TO SUBMIT. --Upon failure to submit the fee and oath within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the fee and oath was unavoidable or unintentional. The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

---

[1] The requirement for a claim in a design application is a requirement of the statute. Section 171 of title 35 of the United States Code makes section 112 applicable to design applications. Section 112 requires that the "specification shall conclude with one or more claims..." Thus, the requirement for a claim in a design application is not pro forma, but is a necessary part of a complete design application.

35 U.S.C. 112 provides, in pertinent part:

The specification shall contain a written description of the. invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

35 U.S.C. 171 provides:

The provisions of this title relating to patents for inventions shall apply to patents for designs, except as otherwise provided.

37 CFR 1.151 provides:

The rules relating to applications for patents for other inventions or discoveries are also applicable to applications for patents for designs except as otherwise provided.

37 C.F.R. 1.153 provides:

(a) The title of the design must designate the particular article. No description, other than a reference to the drawing, is ordinarily required. The claim shall be in formal terms to the ornamental design for the article (specifying name) as shown, or as shown and described. More than one claim is neither required nor permitted.
(b) The oath or declaration required of the applicant must comply with § 1.63.

OPINION

Petitioner cites 37 CFR 1.153 as governing the requirements for a design patent application and 37 CFR 1.154(b) and MPEP 1503.01 for guidance on the elements of a design patent and their preferred arrangement.

Applicant also respectfully states as the grounds for the petition:

> [T]he design patent claim in the subject application: "The ornamental design for a motorcycle windshield, as shown" precisely tracks the language required by this rule [37 CFR 1.153]. Such language is unique in style and form, and is easily identified as a design patent claim language. It could not reasonably be interpreted as any other part of the application) [sic].
>
> ...

> It should be noted that the provisions of 37 CFR 1.154 are phrased as desirable sections and specification arrangements. They are not mandatory. Accordingly, design patent applications wherein the elements appear in a different order do not fail to comply with the requirements of 37 CFR 1.153.
>
> ...
>
> In the subject application, the claim to "The ornamental design for a motorcycle windshield as shown" sits placed prominently below the Title of the specification, and is clearly directed to the motorcycle windshield referred to in the Title as "A Flared Windshield for a Motorcycle" and that is referenced in the drawing description as "a flared windshield." See the subject Application, Exhibit 1, page 1.
>
> This claim clearly conforms to the requirements of 37 CFR 1.153(a) as being a claim "to the ornamental design for the article (specifying name) as shown, " and it is presented in a form that precisely mirrors the form set forth in this regulation.
>
> The claim's language is not "misdescriptive, inaccurate or unclear," and therefore clearly conforms to the requirements of 35 U.S.C. 112, second paragraph, so as to be well within the interpretive latitude required by MPEP 1503.01.
>
> ...
>
> Thus, Applicant respectfully submits that the subject application contained, upon filing, a proper design patent claim that conforms, both in substance and form, with the requirements of 35 U.S.C. 112, second paragraph, 37 CFR 1.153 and MPEP 1503.01.

The issue is not the form of a design claim, but rather whether the application papers as deposited included a claim. The form of a design claim is set by rule pursuant to 37 CFR 1.153. However, the requirement that a design application must include a claim to be entitled to a filing date is set by statute. The Office notes that:

> 35 U.S.C. 111 (a) (2) requires that an application for patent include, inter alia, "a specification as prescribed by section 112 of this title," and 35 U.S.C. 111(a)(4) provides that the "filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office." 35 U.S.C. 112, first paragraph, provides, in part, that "[t]he specification shall contain a written description of the invention," and 35 U.S.C. 112, second paragraph, provides that "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."...

> Therefore, in an application filed under 35 U.S.C. 111(a), a claim is a statutory requirement for according a filing date to the application. 35 U.S.C. 162 and 35 U.S.C. 171 make 35 U.S.C. 112 applicable to plant and design applications, and 35 U.S.C. 162 specifically requires the specification in a plant patent application to contain a claim. 35 U.S.C. 111(b)(2), however, provides that "[a] claim, as required by the second through fifth paragraphs of section 112, shall not be required in a provisional application." Thus, with the exception of provisional applications filed under 35 U.S.C. 111(b), any application filed without at least one claim is incomplete and not entitled to a filing date.
>
> If a nonprovisional application does not contain at least one claim, a "Notice of Incomplete Application" will be mailed to the applicant(s) indicating that no filing date has been granted and setting a period for submitting a claim. The filing date will be the date of receipt of at least one claim. See In re Mattson, 208 USPQ 168 (Comm'r Pat. 1980). An oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.64 referring to the claim being submitted is also required.

A review of the record reveals that the application as deposited on February 1, 2008, did not contain a claim as required by statute. The application does not include any language identified as a claim or any language at the end of the specification that the Office can construe as a claim. As applicant failed to meet the basic statutory requirement under 35 U.S.C. 111 (a) that the application must include a claim to be entitled to a filing date, any discussion of whether applicant has met the requirements of 37 CFR 1.153 is unnecessary.

In view of the withdrawal of the actions by OIPE, granting the filing date, issuing two filing receipts bearing February 5, 2008 as the accorded filing date, and forwarding the Application to the examining corps and the Examiner's amendment, recognizing the text "The ornamental design for a motorcycle windshield, as shown" as a design patent claim (notwithstanding its placement and context within the specification), and amending that claim for clarification, Applicant's assertion that the subject Application as filed should have been granted a filing date are not well founded.

As the Office was without authority to waive the requirement for the granting of a filing date in the absence of a claim (or anything that can be reasonably construed as a claim), the Office was also without the authority to add a claim and proceed with prosecution to allowance and as such, the Notice of Incomplete Application was properly mailed and will not be withdrawn.

For the reasons stated, applicant has not shown that applicant filed a complete design application, including a claim, on February 5, 2008. Absent the presence of a claim, the application cannot be afforded a filing date of February 5, 2008 and the request must therefore be dismissed.

However, it is noted based upon the declaration filed April 21, 2008, which included a statement that the inventor believes himself to be,

> "I believe that I am the original, first and sole inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled A FLARED WINDSHIELD FOR, A MOTORCYCLE, the specification of which is attached to this declaration."

As indicated above, a formal claim was not included with the application when it was deposited. However, since this is a design application, the above-quoted language in the combined declaration and power of attorney can be construed as the claim, required by 35 USC 112 insofar as this design application is concerned.
Under the circumstances, it is appropriate that the language quoted above from the declaration and power of attorney be construed as the claim, for purposes of according this application a filing date of April 21, 2008.

Petitioner is reminded that errors such as occurred herein can result in loss of rights and care must be taken to avoid such.

In view of the above, the petition filed April 20, 2009 is **GRANTED** to the extent indicated above.

This matter is being referred to the Office of Patent Application Processing for a correction of the filing date to April 21, 2008 and then to Technology Center 2913 for further examination.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Director
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

MAILED

SEP 03 2010

OFFICE OF PETITIONS

In re Application of :
Todd E. Goede et al :
Application No. 29/303,602 :
Filed: February 12, 2008 :
Attorney Docket No. 19569USD2 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 6, 2010, to revive the above-identified application.

The petition is **GRANTED.**

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2916 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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MARK A. KOCH
PROFESSIONAL CORPORATION
583 MAIN STREET EAST
HAMILTON ON L8M 1J4 CA CANADA

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of
Carolina NERI
Application No. 29/303,653
Filed: February 14, 2008
Attorney Docket No. **986P1**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and to submit corrected formal drawings on or before March 23, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed December 23, 2009. Accordingly, the date of abandonment of this application is March 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $430 , and corrected formal drawings , (2) the petition fee of $810, (3) a proper statement of unintentional delay; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)).

The terminal disclaimer filed July 20, 2010 has been entered and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The drawings filed July 20, 2010 have been made of record.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Data Management for processing into a patent.

Thurman K. Page
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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SEP 14 2010

OFFICE OF PETITIONS

ERIC HANSCOM
2141 PALOMAR AIRPORT ROAD,
SUITE 320
CARLSBAD CA 92011

In re Application of	:	
Christian GONZALEZ ARELANO	:	
Application No. 29/303,885	:	DECISION ON PETITION
Filed: February 19, 2008	:	
Attorney Docket No. MA-D-2401-07	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed February 3, 2010, which set a period for reply of **three (3) months**. Accordingly, this application became abandoned on May 4, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $430; (2) the petition fee of $810, (3) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

The Terminal Disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for processing.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AKA CHAN LLP
900 LAFAYETTE STREET
SUITE 710
SANTA CLARA CA 95050

MAILED
MAY 06 2011
OFFICE OF PETITIONS

In re Application of	:	
N. Brendon Boone III	:	
Application No. 29/304,428	:	DECISION ON PETITION
Filed: February 29, 2008	:	TO WITHDRAW
Attorney Docket No. **EMEDD006**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 22, 2011

The request is **NOT APPROVED**.

A review of the file record indicates that Sung Oh or any attorneys/agents associated with Customer Number 53123 does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Sung Oh
710 Quail Valley Lane
West Covina, CA 91791

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Paper No.

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Rupp	:	
Application No. 29/304,983	:	
Patent No.: D589075	:	DECISION ON PETITION
Filed: March 11, 2008	:	PURSUANT TO
Issued: March 24, 2009	:	37 C.F.R. § 1.28(c)
Attorney Docket No.:	:	
3156.99US02	:	
Title: ADJUSTABLE MOUNTING	:	
COLUMN	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on February 18, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, the small entity fees that were actually paid, the deficiency owed amounts, and the total deficiency payment owed.

The deficiency payment in the amount of $915 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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SEP 22 2010

OFFICE OF PETITIONS

WIESNER & ASSOCIATES
366 CAMBRIDGE AVENUE
PALO ALTO CA 94306

In re Application of Mittelstaedt :
Application No. 29/305,809 : Decision on Petition
Filing Date: March 27, 2008 :
Attorney Docket No. 00144-000500000 :

This is a decision on the petition filed April 14, 2010, under 37 C.F.R. § 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.181."

Facts

The Office has identified four cases involving Inventor Mittelstaedt and Weisner & Associates where the Office mailed correspondence to the law during the time period between November 1, 2009, and January 1, 2010. The following sections discuss facts pertaining to each of the four cases.

Facts Involving the Instant Application

Examiner Karen Acker, an examiner in Technology Center Art Unit 2915, mailed a Notice of Allowance to the law firm on December 23, 2009. The Office did not receive a reply to the Notice of Allowance. As a result, the Office mailed a Notice of Abandonment on April 8, 2010.

Petitioner filed a petition to withdraw the holding of abandonment on April 14, 2010. The petition states,

> Applicant did not receive [the] Notice of Allowance mailed December 23, 2009, from the United States Postal Service.... Application [has] carefully reviewed the file folder and docket and [has] no indication of receiving the Notice of Allowance on or about December 23, 2009....

> Applicant has attached a copy of the docket entry for the subject Application indicating that no Notice of Allowance was received as it would have been entered as part of the normal docketing procedures. No master docket is kept as the law firm representing the Applicant is smaller and does not have the daily volume to warrant such an organizational device.

The copy of the docket record for the application does not include the Notice of Allowance mailed December 23, 2009. However, the docket record also does *not* include:

1. The non-final Office action mailed January 7, 2009,
2. The reply to the non-final Office action,
3. The final Office action mailed July 21, 2009,
4. The first reply to the final Office action filed November 3, 2009,
5. The advisory action mailed November 19, 2009, and
6. The second reply to the final Office action filed December 10, 2009.

The petition does not mention the fact a petition to withdraw the holding of abandonment had previously been filed in Application No. 12/079,640 based on an allegation of non-receipt of an Office action.

The petition does not mention the fact a petition to withdraw the holding of abandonment was concurrently being filed in Application No. 29/305,809 based on an allegation of non-receipt of an Office action.

Facts Involving Application No. 29/305,811

Examiner Karen Acker mailed a Notice of Allowance to the law firm on December 23, 2009. The Office did not receive a reply to the Notice of Allowance. As a result, the Office mailed a Notice of Abandonment on April 8, 2010.

Petitioner filed a petition to withdraw the holding of abandonment on April 14, 2010. Except for the header section of the petition, the petition appears to be identical to the petition filed in the instant application.

The copy of the docket record for the application does not include the Notice of Allowance mailed December 23, 2009. However, the docket record also does *not* include:

1. The non-final Office action mailed January 7, 2009,
2. The reply to the non-final Office action,
3. The final Office action mailed July 21, 2009,
4. The first reply to the final Office action filed November 3, 2009,
5. The advisory action mailed November 23, 2009, and
6. The second reply to the final Office action filed December 10, 2009.

The petition does not mention the fact a petition to withdraw the holding of abandonment had previously been filed in Application No. 12/079,640 based on an allegation of non-receipt of an Office action.

The petition does not mention the fact a petition to withdraw the holding of abandonment was concurrently being filed in Application No. 29/305,809 based on an allegation of non-receipt of an Office action.

Facts Involving Application No. 12/079,640

The Office mailed a Notice of Allowance on October 23, 2009.

The Office of Data Management mailed a Notice to File Corrected Application Papers on November 6, 2009.

Although Petitioner submitted the issue fee on January 13, 2010, petitioner did not submit a response to the Notice to File Corrected Application Papers. As a result, the Office mailed a Notice of Abandonment on February 4, 2010.

Petitioner filed a petition to withdraw the holding of abandonment on February 24, 2010. The petition stated,

> Applicant [has] carefully reviewed the file folder and docket and [has] no indication of receiving the Notice to File Corrected Application Papers on or about November 6, 2009.... Applicant has attached a copy of the docket entry for the subject Application indicating that no such Notice to File Corrected Application Papers was received as it would have been entered as part of the normal docketing procedures.

The copy of the docket record for the application does not include the Notice to File Corrected Application Papers mailed November 6, 2009, but does contain the following entries:

Item	Due Date	Done Date
Office Action Postcard Due	2/2/2009	Received
Office Action Received	3/31/2009	3/31/2009
Response Sent	6/1/2009	7/31/2009
Office Action Postcard Due	8/31/2009	Received
Application Allowed	10/13/2009	10/13/2009
File Formal Drawings	01/13/2010	01/13/2010
Issue Fee Due	01/13/2010	01/13/2010

A close review of the docket indicates the following entries, *in very light print*, follow the entries listed above:

Item	Due Date	Done Date
Formal Drawings Postcard Due	03/13/2010	[blank]
Issue Fee Postcard Due	03/13/2010	[blank]
Issued Patent Due	03/15/2010	[blank]

A bar with arrows located to the right of the previously identified entries indicates the docket record includes entries made prior to the first item listed above that are not shown on the copy of

the docket record given to the Office. The bar also indicates the docket record may include entries made after the last item listed above that are not shown on the docket record given to the Office

The Office mailed a decision dismissing the February 24, 2010 petition on April 26, 2010. The decision stated,

> The renewed petition must be accompanied by a copy of petitioner's master docket record, or other adequate evidence to support petitioner's contention that the Notice of November 6, 2009, was not received. If a master docket doest not exist, the renewed petition should indicate such.

A renewed petition was filed June 9, 2010. The renewed petition was essentially the same as the prior petition except the renewed petition stated, "No master docket is kept as the law firm representing the Applicant is smaller and does not have the daily prosecution volume to warrant such an organizational device."

The June 9, 2010, renewed petition did not mention the fact petitions to withdraw the holding of abandonment had been filed on April 14, 2010, in Application Nos. 29/305,809 and 29/305,811.

The Office issued a decision granting the renewed petition on July 16, 2010.

Facts Involving Application No. 12/079,790

The Office mailed a Notice of Non-Responsive Amendment on November 13, 2009. The law firm appears to have received the notice in so far as petitioner filed a response to the notice on December 11, 2009.

Discussion

Section 711.03(c)(I)(A) of the Manual of Patent Examining Procedure ("MPEP") states, with emphasis added,

> [A]n allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment....
>
> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. *The statement should establish that the docketing system is sufficiently reliable.* It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was

> not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

A petition to withdraw the holding of abandonment must "establish that the docketing system is sufficiently reliable." Petitioner has failed to establish the law firm's docketing system is reliable. Specifically, the absence of any entries on the docket record for this case appears to indicate the law firm has failed to enter papers received by the law firm into the docketing system on several occasions. Therefore, the absence of any entry for the Notice of Allowance is not persuasive evidence the Notice of Allowance was never received.

MPEP § 711.03(c)(I)(A) states, immediately after the previously quoted language,

> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

The Office has identified four cases involving Inventor Mittelstaedt and Weisner & Associates where the Office mailed correspondence to the law firm during the time period between November 1, 2009, and January 1, 2010. The law firm has alleged a failure to receive three of the four items of correspondence mailed in the four cases. The alleged failure to receive three of the four items of correspondence points to a conclusion that the Office action was lost after receipt rather than lost in the mail.

In view of the prior discussion, the petition is dismissed.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 C.F.R. § 1.137(b). A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($810 for a small entity), a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional, a terminal disclaimer, and the $70 small-entity fee for the terminal disclaimer.

A copy of a PDF "fillable" petition under 37 C.F.R. § 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064_fill.pdf.

A copy of a PDF "fillable" terminal disclaimer form can be found at: http://www.uspto.gov/web/forms/sb0063.pdf

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[1] Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

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WIESNER & ASSOCIATES
366 CAMBRIDGE AVENUE
PALO ALTO CA 94306

MAILED
JUN 22 2011
OFFICE OF PETITIONS

In re Application of Mittelstaedt :
Application No. 29/305,809 :
Filing Date: March 27, 2008 :
Attorney Docket No. 00144-000500000 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed April 29, 2011, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed December 23, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 24, 2010. A Notice of Abandonment was mailed on April 8, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(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 pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as (1) a reply in the form of payment of the issue fee was filed April 14, 2010, (2) the petition includes the required petition fee of $810, (3) the petition includes the required statement of unintentional delay, and (4) the petition is accompanied by a terminal disclaimer. Therefore, the petition is granted the application is hereby revived.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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366 CAMBRIDGE AVENUE
PALO ALTO CA 94306

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SEP 21 2010

OFFICE OF PETITIONS

In re Application of Mittelstaedt :
Application No. 29/305,811 :
Filing Date: March 27, 2008 :
Attorney Docket No. 00144-000300000 :

Decision on Petition

This is a decision on the petition filed April 14, 2010, under 37 C.F.R. § 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.181."

Facts

The Office has identified four cases involving Inventor Mittelstaedt and Weisner & Associates where the Office mailed correspondence to the law during the time period between November 1, 2009, and January 1, 2010. The following sections discuss facts pertaining to each of the four cases.

Facts Involving the Instant Application

Examiner Karen Acker, an examiner in Technology Center Art Unit 2915, mailed a Notice of Allowance to the law firm on December 23, 2009. The Office did not receive a reply to the Notice of Allowance. As a result, the Office mailed a Notice of Abandonment on April 8, 2010.

Petitioner filed a petition to withdraw the holding of abandonment on April 14, 2010. The petition states,

> Applicant did not receive [the] Notice of Allowance mailed December 23, 2009, from the United States Postal Service.... Application [has] carefully reviewed the file folder and docket and [has] no indication of receiving the Notice of Allowance on or about December 23, 2009....

> Applicant has attached a copy of the docket entry for the subject Application indicating that no Notice of Allowance was received as it would have been entered as part of the normal docketing procedures. No master docket is kept as the law firm representing the Applicant is smaller and does not have the daily volume to warrant such an organizational device.

The copy of the docket record for the application does not include the Notice of Allowance mailed December 23, 2009. However, the docket record also does *not* include:

1. The non-final Office action mailed January 7, 2009,
2. The reply to the non-final Office action,
3. The final Office action mailed July 21, 2009,
4. The first reply to the final Office action filed November 3, 2009,
5. The advisory action mailed November 23, 2009, and
6. The second reply to the final Office action filed December 10, 2009.

The petition does not mention the fact a petition to withdraw the holding of abandonment had previously been filed in Application No. 12/079,640 based on an allegation of non-receipt of an Office action.

The petition does not mention the fact a petition to withdraw the holding of abandonment was concurrently being filed in Application No. 29/305,809 based on an allegation of non-receipt of an Office action.

Facts Involving Application No. 29/305,809

Examiner Karen Acker mailed a Notice of Allowance to the law firm on December 23, 2009. The Office did not receive a reply to the Notice of Allowance. As a result, the Office mailed a Notice of Abandonment on April 8, 2010.

Petitioner filed a petition to withdraw the holding of abandonment on April 14, 2010. Except for the header section of the petition, the petition appears to be identical to the petition filed in the instant application.

The copy of the docket record for the application does not include the Notice of Allowance mailed December 23, 2009. However, the docket record also does *not* include:

1. The non-final Office action mailed January 7, 2009,
2. The reply to the non-final Office action,
3. The final Office action mailed July 21, 2009,
4. The first reply to the final Office action filed November 3, 2009,
5. The advisory action mailed November 19, 2009, and
6. The second reply to the final Office action filed December 10, 2009.

The petition does not mention the fact a petition to withdraw the holding of abandonment had previously been filed in Application No. 12/079,640 based on an allegation of non-receipt of an Office action.

The petition does not mention the fact a petition to withdraw the holding of abandonment was concurrently being filed in Application No. 29/305,811 based on an allegation of non-receipt of an Office action.

Facts Involving Application No. 12/079,640

The Office mailed a Notice of Allowance on October 23, 2009.

The Office of Data Management mailed a Notice to File Corrected Application Papers on November 6, 2009.

Although Petitioner submitted the issue fee on January 13, 2010, Petitioner did not submit a response to the Notice to File Corrected Application Papers. As a result, the Office mailed a Notice of Abandonment on February 4, 2010.

Petitioner filed a petition to withdraw the holding of abandonment on February 24, 2010. The petition stated,

> Applicant [has] carefully reviewed the file folder and docket and [has] no indication of receiving the Notice to File Corrected Application Papers on or about November 6, 2009.... Applicant has attached a copy of the docket entry for the subject Application indicating that no such Notice to File Corrected Application Papers was received as it would have been entered as part of the normal docketing procedures.

The copy of the docket record for the application does not include the Notice to File Corrected Application Papers mailed November 6, 2009, but does contain the following entries:

Item	Due Date	Done Date
Office Action Postcard Due	2/2/2009	Received
Office Action Received	3/31/2009	3/31/2009
Response Sent	6/1/2009	7/31/2009
Office Action Postcard Due	8/31/2009	Received
Application Allowed	10/13/2009	10/13/2009
File Formal Drawings	01/13/2010	01/13/2010
Issue Fee Due	01/13/2010	01/13/2010

A close review of the docket indicates the following entries, *in very light print*, follow the entries listed above:

Item	Due Date	Done Date
Formal Drawings Postcard Due	03/13/2010	[blank]
Issue Fee Postcard Due	03/13/2010	[blank]
Issued Patent Due	03/15/2010	[blank]

A bar with arrows located to the right of the previously identified entries indicates the docket record includes entries made prior to the first item listed above that are not shown on the copy of

the docket record given to the Office. The bar also indicates the docket record may include entries made after the last item listed above that are not shown on the docket record given to the Office

The Office mailed a decision dismissing the February 24, 2010 petition on April 26, 2010. The decision stated,

> The renewed petition must be accompanied by a copy of petitioner's master docket record, or other adequate evidence to support petitioner's contention that the Notice of November 6, 2009, was not received. If a master docket doest not exist, the renewed petition should indicate such.

A renewed petition was filed June 9, 2010. The renewed petition was essentially the same as the prior petition except the renewed petition stated, "No master docket is kept as the law firm representing the Applicant is smaller and does not have the daily prosecution volume to warrant such an organizational device."

The June 9, 2010 renewed petition did not mention the fact petitions to withdraw the holding of abandonment had been filed on April 14, 2010, in Application Nos. 29/305,809 and 29/305,811.

The Office issued a decision granting the renewed petition on July 16, 2010.

Facts Involving Application No. 12/079,790

The Office mailed a Notice of Non-Responsive Amendment on November 13, 2009. The law firm appears to have received the notice in so far as petitioner filed a response to the notice on December 11, 2009.

Discussion

Section 711.03(c)(I)(A) of the Manual of Patent Examining Procedure ("MPEP") states, with emphasis added,

> [A]n allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment....
>
> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. *The statement should establish that the docketing system is sufficiently reliable.* It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was

> not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

A petition to withdraw the holding of abandonment must "establish that the docketing system is sufficiently reliable." Petitioner has failed to establish the law firm's docketing system is reliable. Specifically, the absence of any entries on the docket record for this case appears to indicate the law firm has failed to enter papers received by the law firm into the docketing system on several occasions. Therefore, the absence of any entry for the Notice of Allowance is not persuasive evidence the Notice of Allowance was never received.

MPEP § 711.03(c)(I)(A) states, immediately after the previously quoted language,

> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

The Office has identified four cases involving Inventor Mittelstaedt and Weisner & Associates where the Office mailed correspondence to the law firm during the time period between November 1, 2009, and January 1, 2010. The law firm has alleged a failure to receive 3 of the 4 items of correspondence mailed in the four cases. The alleged failure to receive three of the four items of correspondence points to a conclusion that the Office action was lost after receipt rather than lost in the mail.

In view of the prior discussion, the petition is dismissed.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 C.F.R. § 1.137(b). A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($810 for a small entity), a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional, a terminal disclaimer, and the $70 small-entity fee for the terminal disclaimer.

A copy of a PDF "fillable" petition under 37 C.F.R. § 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064_fill.pdf.

A copy of a PDF "fillable" terminal disclaimer form can be found at: http://www.uspto.gov/web/forms/sb0063.pdf

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[1] Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

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WIESNER & ASSOCIATES
366 CAMBRIDGE AVENUE
PALO ALTO CA 94306

MAILED
MAR 21 2011
OFFICE OF PETITIONS

In re Application of Mittelstaedt :
Application No. 29/305,811 :
Filing Date: March 27, 2008 :
Attorney Docket No. 00144-000300000 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed November 20, 2010, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed December 23, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 24, 2010. A Notice of Abandonment was mailed on April 8, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(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 pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as (1) a reply in the form of payment of the issue fee was filed April 14, 2010, (2) the petition includes the required petition fee of $810, (3) the petition includes the required statement of unintentional delay, and (4) the petition is accompanied by a terminal disclaimer. Therefore, the petition is granted the application is hereby revived.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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OCT 07 2010
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DYKAS & SHAVER LLP
P.O. BOX 877
BOISE ID 83701-0877

In re Application of Zheng Jiang :
Application No. 29/306,499 : Decision on Petition
Filing Date: April 10, 2008 :
Attorney Docket No. AECI207 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 14, 2010, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed December 24, 2009, which set a period for reply of three (3) months. The above-identified application became abandoned on March 25, 2010. A Notice of Abandonment was mailed on April 12, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(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 pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

As to item (1), the examiner has reviewed and approved the formal drawings filed with the petition.

As to item (2), the petition includes the petition fee of $810.

As to item (3), the petition states the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

As to item (4), the petition is accompanied by a terminal disclaimer.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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VON BRIESEN & ROPER, SC
SUITE 700
411 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202

MAILED
FEB 25 2011
OFFICE OF PETITIONS

In re Application of :
Steven Andrew Sprinkmann, et al. :
Application No. 29/306,860 : DECISION ON PETITION
Filed: April 17, 2008 :
Attorney Docket No. SP87-002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 19, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of correct formal drawings, (2) the petition fee of $810, (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

In view of the above, the petition is **GRANTED**.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2915 for appropriate action by the Examiner in the normal course of business on the reply received January 20, 2011.

April M. Wise
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT – IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202

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NOV 16 2010

OFFICE OF PETITIONS

In re Application of
Richard Paul RIEDEL
Application No. 29/306,882
Filed: April 17, 2008
Attorney Docket No. D-1341

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed July 2, 2010, which set a period for reply of **three (3) months**. Accordingly, this application became abandoned on October 4, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $860; (2) the petition fee of $1620, (3) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

The Terminal Disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for processing.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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TAYLOR RUSSELL & RUSSELL, P.C.
10601 RANCH ROAD 2222
STE-R12
AUSTIN TX 78730-1138

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AUG 3 1 2010
OFFICE OF PETITIONS

In re Application of	:	
Ramsey et al.	:	
Application No. 29/306,887	:	ON PETITION
Filed: April 17, 2008	:	
Attorney Docket No. 800967	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Corrected Drawings, as required by the Notice of Allowability, (2) the petition fee of $1620.00, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Bernhard SCHWARZBAUER	:	
Application No. 29/306,987	:	DECISION ON PETITION
Filed: April 21, 2008	:	
Attorney Docket No. HHS125	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 29, 2011, to revive the above-identified design application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 14, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed January 14, 2011. Accordingly, the date of abandonment of this application is April 15, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

The Office recognizes that the petitioner filed a Continued Prosecution Application (CPA) as a response to the Notice of Allowance mailed January 14, 2011; however the issue and publication fees must be paid as a condition for revival.

The request to apply the issue fee to the Notice may be satisfied by completing and returning the Issue Fee Transmittal Form PTOL-85b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee to the application identified above.

The terminal disclaimer is accepted and has been made of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of	:	
Bernhard SCHWARZBAUER	:	
Application No. 29/306,987	:	DECISION ON PETITION
Filed: April 21, 2008	:	
Attorney Docket No. HHS125	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 15, 2011, to revive the above-identified design application.

The petition is GRANTED.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Continued Prosecution Application (CPA) under 37 CFR 1.53(d); (2) the petition fee of $810.00; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of the CPA.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2915 for processing of the CPA.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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FROSS, ZELNICK, LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

MAILED

AUG 03 2011

OFFICE OF PETITIONS

In re Patent No. D578,297 :
Issue Date: 10/14/2008 :
Application Number: 29/307,152 : ON PETITION
Filing Date: 04/02/2008 :
Attorney Docket Number: JCHO 0703293 :

This is a decision on the renewed request under 37 CFR 3.81(b),[1] filed on April 28, 2010, to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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MARK P. STONE
400 Columbus Avenue
Valhalla NY 10595

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Horst-Werner Maier-Hunke	:	
Application No. 29/307,168	:	DECISION ON PETITION
Filed: April 3, 2008	:	
Attorney Docket No. **407-411**	:	

This is a decision on the petition, filed March 28, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the nonfinal Office action mailed November 16, 2009 which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on May 21, 2010.

Petitioner asserts that the Office action dated November 16, 2009 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action of November 16, 2009. A review of the file record indicates that the Office received the originally submitted request for a change of address on November 12, 2008. However, Office records were not timely updated to reflect this new change of address. Accordingly, as the Office action was mailed to an incorrect address, the Notice of Abandonment mailed May 21, 2010 is hereby vacated and the holding of abandonment withdrawn. It is also noted that petitioner has filed a new request for a change of address on March 24, 2011, that has been accepted and entered. Therefore, all correspondence will be mailed to the new address of record noted above.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Technology Center technical support staff of Art Unit 2913 for remailing the Office action of November 16, 2009 and resetting the period for reply.

/ Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Kenneth P. Glynn et al.	:	
Application No. 29/307,234	:	DECISION ON PETITION
Filed: April 7, 2008	:	
Attorney Docket No. 0417-5	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 10, 2011, to revive the above-identified application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of March 12, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Accordingly, the date of abandonment of this application is June 13, 2009. A Notice of Abandonment was mailed on December 23, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and **(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d)**. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4).

As to item (4) since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365 (c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $70 is required. If the terminal disclaimer is signed by the assignee, an assignee must comply with the requirements of 37 CFR 3.73(b).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

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JUN 06 2011

OFFICE OF PETITIONS

In re Application of :
Kenneth P. Glynn et al. :
Application No. 29/307,234 :
Filed: April 7, 2008 :
Attorney Docket No. 0417-5 :

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, March 12, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 13, 2009. A Notice of Abandonment was mailed on December 23, 2009.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2917 for appropriate action by the Examiner in the normal course of business on the reply received January 10, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Application of :
Kenneth P. Glynn et al. :
Application No. 29/307,234 :
Filed: April 7, 2008 :
Attorney Docket No. 0417-5 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2011, to revive the above-identified application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 5, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 6, 2011. A Notice of Abandonment was mailed on October 27, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and **(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d)**. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4).

As to item (4) since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365 (c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $80/$160 is required. If the terminal disclaimer is signed by the assignee, an assignee must comply with the requirements of 37 CFR 3.73(b). Refer to form no. PTO/SB/63.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet 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
www.uspto.gov

MAILED
JAN 31 2012
OFFICE OF PETITIONS

ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

In re Application of	:	
Kenneth P. Glynn et al.	:	
Application No. 29/307,234	:	DECISION ON PETITION
Filed: April 7, 2008	:	
Attorney Docket No. 0417-5	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 9, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 5, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 6, 2011. A Notice of Abandonment was mailed on October 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, ((2) the petition fee of $930, (3) a proper statement of unintentional delay and, (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the replacement drawings are accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/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
www.uspto.gov

KENNETH D. BAUGH
2413 BLODGETT
HOUSTON, TX 77004

MAILED

SEP 10 2010

OFFICE OF PETITIONS

In re Application of :
Shelia Kay Hawkins Ervin :
Application No. 29/307,235 :
Filed: April 8, 2008 :
Attorney Docket No. :

ON PETITION

This is a decision on the petition, filed July 12, 2010 under 37 CFR 1.137(b) to revive the above-identified application.

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 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 17, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 18, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (4).

The petition does not satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (4) the terminal disclaimer was not received. Accordingly, this petition can not be treated until the terminal disclaimer is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

DEC 20 2010

OFFICE OF PETITIONS

KENNETH D. BAUGH
2413 BLODGETT
HOUSTON, TX 77004

In re Application of :
Shelia Kay Hawkins Ervin :
Application No. 29/307,235 : ON PETITION,
Filed: April 8, 2008 :
Attorney Docket No. :

This is a decision on the renewed petition, filed November 23, 2010 under 37 CFR 1.137(b) to revive the above-identified application.

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 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

An extension of time filed within the first month is $65 (small entity). Petitioner submitted $55 with this petition which sets forth an incorrect application number; i.e., 29/207,235 rather than 29/307,235. The Office has moved the $55 to this application. The $55 may be applied toward the correct extension of time fee. This petition can not be treated until the appropriate extension of time fee is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENNETH D. BAUGH
2413 BLODGETT
HOUSTON, TX 77004

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Shelia Kay Hawkins Ervin :
Application No. 29/307,235 : ON PETITION
Filed: April 8, 2008 :
Attorney Docket No. :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2911 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENTS+TMS, P.C.
2849 W. ARMITAGE AVE.
CHICAGO, IL 60647

MAILED
NOV 18 2010
OFFICE OF PETITIONS

In re Application of	:	
Wilkens et al.	:	
Application No. 29/307,342	:	DECISION ON PETITION
Filed: April 15, 2008	:	
Attorney Docket No. PVC-P-08-001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 20, 2010 to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply on or before July 28, 2010, as required by the Notice of Allowability For A Design Application mailed April 28, 2010. Accordingly, the application became abandoned on July 29, 2010. A Notice of Abandonment was mailed August 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee of $430 and a substitute declaration, (2) the petition fee of $810, (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee of $70 as required by 37 CFR 1.137(d).

The terminal disclaimer filed October 20, 2010 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

A. Kelley

Alicia Kelley
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

EPSTEIN DRANGEL LLP
60 EAST 42ND STREET
SUITE 2410
NEW YORK NY 10165

MAILED
OCT 27 2010
OFFICE OF PETITIONS

In re Application of	:	
Scott et al.	:	
Application No. 29/307,388	:	DECISION ON PETITION
Filed: April 17, 2008	:	
Attorney Docket No. 2618-100	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2010, to revive the above-identified application.

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 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 2, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 3, 2008. A Notice of Abandonment was mailed January 7, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1..137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (4) of the above items.

However, with respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival. Further, a terminal disclaimer must be signed by a registered patent attorney or patent agent of record appointed in compliance with § 1.32(b) or an assignee as provided under § 3.71(b) of this chapter. **A terminal disclaimer cannot be signed by an attorney in representative capacity.**

Currently, petitioner does not have power of attorney in the above-identified application. A Notice Regarding Power of Attorney was mailed October 20, 2010 concerning the non-acceptance of the Power of Attorney filed October 12, 2010. Accordingly, the terminal disclaimer filed with the instant petition cannot be accepted.

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: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
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) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EPSTEIN DRANGEL LLP
60 EAST 42ND STREET
SUITE 2410
NEW YORK NY 10165

MAILED

FEB 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Scott et al.	:	
Application No. 29/307,388	:	DECISION ON PETITION
Filed: April 17, 2008	:	
Attorney Docket No. 2618-100	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 2, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 3, 2008. A Notice of Abandonment was mailed on January 7, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration and the $65.00 Surcharge fee (previously submitted October 12, 2010) ; (2) the petition fee of $810.00 (previously submitted October 12, 2010) (3) a proper statement of unintentional delay, and (4) a Terminal Disclaimer and fee of $70.00 (previously paid October 12, 2010).

The request for a terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110525

DATE : May 24, 2011

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D633,963 S

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/STELLA REID/
Supervisory Patent Examiner.Art Unit 2912

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

REILLY INTELLECTUAL PROPERTY LAW FIRM
1325 East 16th Avenue
DENVER CO 80218

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Patent No. D628752	:	
Issue Date: December 7, 2010	:	
Application No. 29/307,824	:	ON PETITION
Filed: May 14, 2008	:	
Attorney Docket No. 6314D	:	

This is a decision on the petition under 37 CFR 1.182, filed January 14, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to the Office of Data Management at (703) 308-9250.

A petition under 37 CFR 1.182 requires a fee of $400.00. As authorized on the fee Transmittal filed on May 14, 2008, this fee will be charged to petitioner's deposit account.

A copy of this decision is being forwarded to the Publishing Division for issuance of duplicate Letters Patent.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

cc: Ollie Person (Fax - 571-270-9764)
Kimberly Terrell (Fax - 571-270-9958)

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
MAY 09 2011
OFFICE OF PETITIONS

REILLY INTELLECTUAL PROPERTY LAW FIRM
1325 East 16th Avenue
DENVER CO 80218

In re Patent No. D628752	:	
Issue Date: December 7, 2010	:	
Application No. 29/307,824	:	ON PETITION
Filed: May 14, 2008	:	
Attorney Docket No. 6314D	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed March 10, 2011, requesting a refund of petition fee for the issuance of a duplicate Letters Patent for the above-identified patent.

The request is **GRANTED**.

The affidavits provided with the petition filed on January 14, 2011, is noted and taken into consideration.

The petition fee of $400 will be refunded to petitioner's deposit account.

/Carl Friedman/
Carl Friedman
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

KEVIN FARRELL
PIERCE ATWOOD
ONE NEW HAMPSHIRE AVENUE
PORTSMOUTH NH 03801

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Michael Lee Lyons	:	
Application No. 29/307,829	:	DECISION ON PETITION
Filed: May 15, 2008	:	
Attorney Docket No. 22663-2002US01	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed February 10, 2009, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 11, 2009. A Notice of Abandonment was mailed on September 8, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, (3) a proper statement of unintentional delay and, (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the amendment is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The petition decision mailed May 24, 2010, dismissed the petition filed March 1, 2010 for failure to provide a terminal disclaimer. The renewed petition includes a proper terminal disclaimer.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/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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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of :
Thomas Lundgren et al. :
Application No. 29/308,151 : ON PETITION
Filed: May 30, 2008 :
Attorney Docket No. 758.2351US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before October 10, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 20, 2010. Accordingly, the date of abandonment of this application is November 4, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continued prosecution application under 37 CFR 1.53(d) and issue fee of $860, (2) the petition fee of $1,620, (3) a proper statement of unintentional delay and, (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the filing of a continuing application under 37 CFR 1.53(d) and the issue fee are accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The payment of the issue fee is required to grant the petition. As authorized the fee of $860 will be charged to petitioner's deposit account.

This application will be forwarded to Technology Center 2914 for consideration of the CPA filed on November 9, 2010.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GINA ZAPPIA
4231 VINCENT AVE SOUTH
MINNEAPOLIS MN 55410

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Gina Zappia	:	
Application No. 29/308,227	:	DECISION ON PETITION
Filed: June 4, 2008	:	
Title: Barrette	:	

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed June 18, 2010.

The petition is **GRANTED**.

The above application became abandoned for failure to timely pay the issue fee and file corrected drawings in response to the Notice of Allowance and Notice of Allowability mailed November 5, 2009. These Notices set a statutory period for reply of three months. No extensions of time under 37 CFR 1.136(a) were available. No issue fee and drawings having been received, the above identified application became abandoned on February 6, 2010. The Office mailed a Notice of Abandonment was on February 23, 2010. Applicant filed the issue fee and corrected drawings on March 4, 2010. However, Office records indicate that the check bounced. Applicant filed a petition to revive under 37 CFR 1.137(b) on April 16, 2010. However, the petition was dismissed in a decision mailed on May 24, 2010. The petition was dismissed because applicant did not submit the issue fee.

With the instant renewed petition, applicant has submitted the issue fee. The other requirements for a grantable petition under 37 CFR 1.137(b) have been previously satisfied.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning 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

Scott K. Westphal
Ste 3006
17121 Collins Ave
Sunny Isles Beach FL 33160-4360

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of:
Scott K. Westphal
Application No. 29/308,589
Filing Date: June 25, 2008
Attorney Docket No. OliveOilProto

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed on January 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed August 11, 2008, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on October 15, 2008. The Notice of Abandonment was mailed April 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees and signed oath or declaration, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20() required by 37 CFR 1.137(d).

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

The application is being referred to the Office of Patent Application Processing for further processing.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Richard Joel Gherman
Post Office Box 1312
Pebble Beach CA 93953-1312

MAILED

AUG 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard Joel Gherman	:	
Application No. 29/308,621	:	DECISION ON PETITION
Filed: June 26, 2008	:	
	:	

This is a decision on the petition, filed May 25, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Non-Final Office action mailed November 17, 2009, which set a (3) month shortened statutory period for reply. Accordingly, a reply was due on or before February 17, 2009, unless the appropriate extension of time under 37 CFR 1.136 was obtained.

Petitioner states that a timely reply was express mailed to the USPTO on May 17, 2010, which included the following papers: a request for three (3) month extension of time, and amendment.

A review of the written record indicates that a reply to the Office action of November 17, 2009 was timely received at the USPTO on May 17, 2010 which included the following papers: an amendment and a request for three (3) month e tension of time.

Accordingly, the holding of abandonment for failure to timely file a reply to the Non-Final Office action of November 17, 2009 is hereby withdrawn.

Telephone inquires regarding this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Technology Center AU 2913 for appropriate action on the amendment received May 17, 2010.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
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

DEBRA LAVERNE SIMPSON
206 SKIDMORE ROAD
NORTH BABYLON NY 11703

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of	:	
Debra Laverne Simpson	:	
Application No. 29/308,775	:	ON PETITION
Filed: July 5, 2008	:	
Attorney Docket No. TRANSITIONAL	:	
POCKETBOOK ORGANIZER INSERT	:	
SACK	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 7, 2010, to revive the above-identified application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely submit corrected drawings in reply to the Notice of Allowance/Notice of Allowability mailed April 28, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2) and (4).

The petition is dismissed because the check submitted with the above petition on September 7, 2010, bounced for insufficient funds in account.

Petitioner is encouraged to note the Fee Schedule when replying to the above matter.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEBRA LAVERNE SIMPSON
206 SKIDMORE ROAD
NORTH BABYLON NY 11703

MAILED
NOV 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Debra Laverne Simpson	:	
Application No. 29/308,775	:	DECISION ON PETITION
Filed: July 5, 2008	:	
For: TRANSITIONAL POCKETBOOK	:	
ORGANIZER INSERT SACK	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 5, 2010, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit corrected drawings on or before July 28, 2010, as required by the Notice of Allowance/Notice of Allowability, mailed April 28, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 29, 2010. A Notice of Abandonment was mailed on August 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $810.00, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely file corrected drawings to the Notice of Allowance/Notice of Allowability mailed April 28, 2010, is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing

application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3208.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

MAILED
SEP 30 2010
OFFICE OF PETITIONS

In re Application of :
Jesus Bardolet :
Application No. 29/308,798 : ON PETITION
Filed: July 7, 2008 :
Attorney Docket No. 209.640 :

This is a decision on the petition filed June 16, 2010, entitled "Petition to Director Under 37 C.F.R. 1.181(a)(3) REQUESTIJNG: (I) A REFUND OF THE PETITION FEE OF $810.00 WHICH WAS SUBMITTED ON OCTOBER 13, 2009; (II) A REFUND OF THE TERMINAL DISCLAIMER FEE OF $70.00 WHICH WAS SUBMITTED ON OCTOBER 13, 2009; AND (III) CANCELLATION OF THE TERMINAL DISCLAIMER WHICH WAS SUBMITTED ON OCTOBER 13, 2009."

The petition is **DISMISSED**.

The application was held abandoned for failure to respond to the Notice of Allowability for a Design Application (Notice) mailed October 7, 2008, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on February 12, 2009.

Applicant request a refund of the petition fee ($810.00), Terminal Disclaimer fee ($70.00) and to cancel the Terminal Disclaimer which was all submitted on October 13, 2009. Applicant argues that these fees and Terminal Disclaimer were only submitted as a result of a clearly documented clerical and administrative error by the Office and therefore should never have been required.

Applicant submitted the below brief summary of facts:

A Notice of Allowance for this application was mailed on October 7, 2008. The Notice of Allowability (form PToL-37D) was marked in paragraph 6 and 6(b) to indicate that corrected drawings were required. However, there was no indication in the remainder of the Examiner's comments that any corrections were required.

The attorney of record (Thomas E. Spath) called the Examiner and left a voicemail requesting a review of the file and clarification of the inconsistent entry in paragraph 6.

On October 27, 2008, Examiner Cynthia Underwood returned the call to the attorney and, in his absence, left a message with a secretarial assistant indicating that the Examiner had checked the incorrect box and that a supplemental Notice of Allowance would be issue to indicate that no drawings were required.

The issue fee was timely paid with an Express Mail submission to the Office on December 12, 2008.

Thereafter, a Notice of Abandonment dated February 12, 2009 was issued indicating its basis as applicant's failure to filed corrected drawings. Another telephone interview with

Examiner Underwood was initiated by the attorney, and he was advised that the Examiner's review of the file revealed that she had inadvertently failed to take corrective action regarding the error originally made in checking paragraph 6 and that applicant's only recourse was to file a Petition to Revive and pay the required fees.

On April 6, 2009, applicant filed a "PETITION TO THE DIRECTOR UNDER RULE 1.181(a) FOR REVIVAL OF APPLICATION ABANDONED DUE TO OFFICE ERROR." The Petition was supported by a Declaration of Thomas E. Spath which corroborated the facts set forth above.

On September 23, 2009, the Office of Petitions mailed a decision on the April 6, 2009 Petition, indicating that the petition was DISMISSED. The decision indicated that the Petitions Examiner had not given any consideration to the evidence that showed that the Examiner had (orally) admitted that she had inadvertently failed to take corrective action regarding the error originally made in checking paragraph 6, by simply indicating that "No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt." In the decision, the Petitions Examiner indicated that "it is strongly recommended that petitioner file a petition to revive under 37 CFR 1.137(b) and pay the petition fee of $810."

In order to prevent any further administrative delay, On October 13,2009, applicant filed a Petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b). The $810.00 Petition fee was submitted. Also submitted were the required Terminal Disclaimer and $70.00 Terminal Disclaimer fee. A renewed Petition was filed on January 7, 2010.

The Examiner issued a Supplemental Notice of Allowance on January 21, 2010 (copy attached), which indicated in writing that:

> "On the PTOL 37D mailed to the applicant on 10/07/2008 the examiner checked box 6, requiring that corrected drawings be submitted. **This was an error**. New drawings are not required and the drawings submitted 7/7/08 are acceptable." (emphasis added).

On February 18, 2010, the Office of Petitions mailed a decision on the January 7, 2010 Petition, indicating that the Petition was GRANTED (copy attached). The decision indicated that

> "**A review of the record shows that the Notice of Allowability mailed October 7, 2008 mistakenly required petitioner to submit correct drawings**" (emphasis added).

Applicant now files the above petition and requests a refund of the petition fee, Terminal Disclaimer fee and to cancel the Terminal Disclaimer which was submitted on October 13, 2009.

Regrettably, the petition is dismissed. As was stated in the decision mailed September 23, 2009, **"If petitioner thought the requirement for corrected drawings was issued in error a response should have been timely submitted within three months from the mail date of October 7, 2008, which would have tolled the period for reply and the application would not have been abandoned."**

Lastly, the application became abandoned by operation of law for failure to reply in a timely manner to the Notice mailed October 7, 2008. Regardless of what the examiner stated, [1]petitioner should not have allowed the maximum period for reply to expire while awaiting further action from the Office.

---

[1] Note 37 CFR 1.2

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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REILLY INTELLECTUAL PROPERTY LAW FIRM
1325 East 16th Avenue
DENVER CO 80218

MAILED

AUG 30 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Katherine Gold et al. :
Application No. 29/308,855 :
Filed: July 11, 2008 :
Attorney Docket No. 6296 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the issue fee, (2) the petition fee of $810; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Data Management to be processed into a patent.

/JoAnne Burke/
JoAnne Burke
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

Suzanne Warman
3200 Collins Ferry Road
Morgantown WV 26505

MAILED
OCT 12 2010
OFFICE OF PETITIONS

In re Application of
Suszanne Warman
Application No. 29/308,887
Filed: July 14, 2008

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 7, 2010, to revive the above-identified application.

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) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit proper formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 6, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 7, 2009. The Notice of Abandonment was mailed October 20, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c) (II) (C) and (D). The instant petition lacks item(s) (4).

All design application petitions must be accompanied with a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) as required by 37 CFR 1.137(d). A copy of the terminal disclaimer form PTO/SB/63 is enclosed for your convenience.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

Enclosed: Terminal Disclaimer Form PTO/SB/63

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

Suzanne Warman
3200 Collins Ferry Road
Morgantown WV 26505

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of
Suzanne Warman
Application No. 29/308,887
Filed: July 14, 2008

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 6, 2009, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 7, 2009. The Notice of Abandonment was mailed October 20, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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RAAJ JHAMB
6645 CABALLERO BLVD
BUENA PARK CA 90620

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Puneet Nanda	:	
Application No. 29/309,617	:	ON PETITION
Filed: September 12, 2008	:	
Attorney Docket No.: PD/07/08/08	:	

This is a decision in response to a petition, filed August 19, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Ketan S. Vakil appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Vakil desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed October 26, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 27, 2010. A Notice of Abandonment was mailed on May 24, 2010. On August 19, 2010, the present petition was filed.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition does not comply with item (4) above.

It is noted that a terminal disclaimer was filed along with the requisite fee; however, the terminal disclaimer is not acceptable, as it is not signed in accordance with 37 CFR 1.33(b). In this regard, the terminal disclaimer appears to be signed on behalf of an assignee without the statement required by 37 CFR 3.73(b).

To be effective, the terminal disclaimer must be signed in accordance with 37 CFR 1.33(b) which states:

> Amendments and other papers filed in the application must be signed by:
>
> (1) An attorney or agent of record appointed in compliance with §1.34(b);
> (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of §1.34(a);
> (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
> (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or
> (5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b)[3]. For petitioner's convenience Form SB/96, Statement Under 37 CFR 3.73(b) is enclosed.

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[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[3] 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web[4]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Form PTO/SB/96

cc: KETAN S. VAKIL
SNELL & WILMER L.L.P.
600 ANTON BOULEVARD, SUITE 1400
COSTA MESA, CA 92626

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[4] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re Application of
Puneet Nanda
Application No. 29/309,617
Filed: September 12, 2008
Attorney Docket No.: 55781-3200

ON PETITION

This is a decision in response to the renewed petition, filed October 22, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed October 26, 2009. A Notice of Abandonment was mailed on May 24, 2010. On August 19, 2010, a petition to revive under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed September 29, 2010. In response, on October 22, 2010, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, (3) an adequate statement of unintentional delay,[1] and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed October 22, 2010 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to Technology Center AU 2912 for consideration of the amendment filed August 19, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of
Puneet Nanda
Application No. 29/309,617
Filed: September 12, 2008
Attorney Docket No.: 55781-3200

ON PETITION

This is a decision on the petition, filed May 23, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed January 18, 2011. A Notice of Abandonment was mailed on May 3, 2011. On May 23, 2011, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings; (2) the petition fee of $810; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and the $70 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed May 23, 2011 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

MAILED

JAN 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Colleen O'CONNELL	:	DECISION
Application No. 29/309,711	:	ON PETITION
Filed: September 29, 2008	:	
Attorney Docket No. DERRYNANE-001-DES	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 20, 2010.

The petition is **DISMISSED**.

The application became abandoned for failure to timely respond to the Office communication dated October 20, 2010, which set a non extendable time period of one (1) month. Accordingly, the application became abandoned on November 21, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

A terminal disclaimer and the $140 ($70 if small entity) terminal disclaimer fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted on the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought.

If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

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1000 DUKE STREET
ALEXANDRIA VA 22314

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Colleen O'CONNELL :
Application No. 29/309,711 :
Filed: September 29, 2008 :
Attorney Docket No. DERRYNANE-001-DES :

DECISION
ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 24, 2011.

The petition is **DISMISSED**.

The application became abandoned for failure to timely respond to the Office communication dated October 20, 2010, which set a non extendable time period of one (1) month. Accordingly, the application became abandoned on November 21, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

With respect to item (4): The Terminal Disclaimer filed with the renewed petition on January 24, 2011, cannot be accepted as being in compliance with 37 CFR 1.137(d) because it is not proper. Please see the attached terminal disclaimer form which is to accompany a petition to revive an abandoned application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

Attachment: Terminal Disclaimer to Accompany Petition (PTO/SB/63)

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1000 DUKE STREET
ALEXANDRIA VA 22314

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Colleen O'CONNELL	:	DECISION
Application No. 29/309,711	:	ON PETITION
Filed: September 29, 2008	:	
Attorney Docket No. DERRYNANE-001-DES	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 2, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to the Office communication dated October 20, 2010, which set a non extendable time period of one (1) month. Accordingly, the application became abandoned on November 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $810; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed March 10, 2011, is acknowledged and has been accepted.

The Examiner assigned to this application has approved the replacement drawings.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-6735.

This application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 08 2010

OFFICE OF PETITIONS

MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

Patent No. D,592,951	:	
Application No. 29/309,883	:	
Filed: October 30, 2008	:	NOTICE
Issued: May 26, 2009	:	
Attorney Docket No. 3948-0115PUS2	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: JAMES HELLWEGE
MUNCY, GEISSLER, OLDS & LOWE, PLLC
P O BOX 1364
FAIRFAX, VA 22038

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MAILED
AUG 05 2011
OFFICE OF PETITIONS

LUKINS & ANNIS, P.S.
717 WEST SPRAGUE AVE., SUITE 1600
SPOKANE, WA 99201

In re Application of	:	
Michael C. Genova	:	
Application No. 29/310,109	:	ON PETITION
Filed: July 24, 2008	:	
Attorney Docket No.: GE22-012	:	

This is a decision on the petition, filed July 19, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue fee and to submit corrected formal drawings on or before March 1, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed November 30, 2009. A Notice of Abandonment was mailed on March 15, 2010. On July 19, 2011, the present petition was filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) (1) the required reply,[1] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks items (4) above.

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application and the terminal disclaimer must also apply to any patent granted on a continuing design application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. To be effective, the terminal disclaimer must include the fee of $140 ($70 if small entity) pursuant to 37 CFR 1.20(d) and be signed in accordance with 37 CFR 1.33(b). If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web[2]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[2] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

AUG 31 2011

OFFICE OF PETITIONS

LUKINS & ANNIS, P.S.
717 WEST SPRAGUE AVE., SUITE 1600
SPOKANE, WA 99201

In re Application of
Michael C. Genova
Application No. 29/310,109
Filed: July 24, 2008
Attorney Docket No.: GE22-012

ON PETITION

This is a decision in response to the renewed petition, filed August 22, 2011, to revive the above-identified design application under 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and submit corrected drawings on or before March 1, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed November 30, 2009. A Notice of Abandonment was mailed March 15, 2010. A petition under 37 CFR 1.137(b) was filed on July 19, 2011; however, the petition was dismissed in a decision mailed August 5, 2011. On August 22, 2011, the present petition was filed.

The present petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) corrected drawings and the $430 issue fee, (2) the petition fee of $810, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed August 22, 2011 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Data Management for further processing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
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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RICHARD O. BARTZ
6950 FRANCE AVENUE SOUTH, NO 119
EDINA MN 55435

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of	:	
John M. SANDERS	:	
Application No. 29/310,362	:	DECISION ON PETITION
Filed: August 11, 2008	:	
Attorney Docket No. S312.12.2A	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 2010, to revive the above-identified application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue fee on or before March 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed December 29, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 30, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is

a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item **(4).**

With respect to item (4), since the instant application is a design application, a terminal disclaimer and the small entity fee of $70.00 are required by 37 CFR 1.137(b) for revival.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RICHARD O. BARTZ
6950 FRANCE AVENUE SOUTH, NO 119
EDINA MN 55435

MAILED
OCT 20 2010
OFFICE OF PETITIONS

In re Application of	:	
John M. SANDERS	:	
Application No. 29/310,362	:	DECISION ON PETITION
Filed: August 11, 2008	:	
Attorney Docket No. S312.12.2A	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before March 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed December 29, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $430.00 issue fee, (2) the petition fee of $810.00, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of December 29, 2009 is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-4231.

This application is being referred to the Office of Data Management

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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RICHARD L. MIKESELL, ESQ.
SUITE 216
14827 VENTURA BLVD.
SHERMAN OAKS, CA 91403

MAILED
SEP 09 2010
OFFICE OF PETITIONS

In re Application of	:	
John Pride	:	
Application No. 29/310,477	:	ON PETITION
Filed: August 21, 2008	:	
Attorney Docket No.: NONE	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 12, 2010, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed February 23, 2009, which set a shortened statutory period for reply of two (2) months. A Notice of Abandonment was mailed on September 28, 2009. On October 30, 2009, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed January 14, 2010. On March 1, 2010, the petition was renewed, but it was subsequently dismissed by a decision mailed June 30, 2010. On July 12, 2010, the present petition was filed.

The petition is found to satisfy the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, including replacement drawings; (2) the petition fee of $810; (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed July 12, 2010 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to Technology Center AU 2914 for consideration of the response filed October 30, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110525

DATE : May 25, 2011

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction on Patent No.: D624,456

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/ROB SPEAR/
Supervisory Patent Examiner.Art Unit 2915

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

ALLAN CHAN AND ASSOC
SUITE 700
225 BROADWAY
NEW YORK, NY 10007

MAILED
JAN 14 2011
OFFICE OF PETITIONS

In re Application of :
Amy R. Gurvey :
Application No. 29/310,547 : ON PETITION
Filed: August 25, 2008 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 1, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before January 7, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 7, 2010. Accordingly, the date of abandonment of this application is January 8, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) and (4).

With respect to item 1:

A review of the records shows that petitioner filed drawings on November 1, 2010 concurrently with the petition to revive under the unintentional standards. The drawings fail to comply with the requirement of 37 CFR 1.84(d) which states:

Drawings: One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a

replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "**Replacement Sheet**". Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet". All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

(1) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change to the drawings.

(2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner.

With respect to item (4):

A terminal disclaimer and the $140 terminal disclaimer fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought.

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 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704. Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

April M. Wise
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

ALLAN CHAN AND ASSOC
SUITE 700
225 BROADWAY
NEW YORK, NY 10007

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of
Amy R. Gurvey
Application No. 29/310,547
Filed: August 25, 2008
Attorney Docket No.

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before January 7, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 7, 2010. Accordingly, the date of abandonment of this application is January 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the petition fee of $810; (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowability is accepted as being unintentionally delayed.

The drawings have been approved by the USPTO draftsperson.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02-17-11

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/310615 Patent No.: D596662

CofC mailroom date: 01-31-11

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

Angela Green
Certificates of Correction Branch
(703) 756-1541

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

SPE _____ **Art Unit** 2915

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.
29/311,097	12/22/2008	Andreas Frank	038739.24017US	6147

23911 7590 08/05/2010
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
BROWN, MELODY NOEL

ART UNIT	PAPER NUMBER
2917	

MAIL DATE	DELIVERY MODE
08/05/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

AUG - 5 2010

In re Application of
FRANK ET AL.
Serial No.: 29311097
Filed: 12/22/2008

: DECISION ON PETITION

This is a decision on the petition 37 C.F.R. § 1.103(a) filed Nov. 12, 2009 to suspend action by the Office.

The petition is GRANTED.

REGULATION AND PRACTICE

A grantable petition to suspend action under 37 CFR § 1.103(a) must include:

(1) A showing of good and sufficient cause for suspension of action; and

(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

REVIEW OF FACTS

The application was filed Dec. 22, 2008. On March 13, 2009, applicants filed a petition for suspension of action by the Office. That petition was granted by the examiner May 11, 2009. A second petition for the suspension of action was filed Nov. 12, 2010. A requirment for restriction was mailed May 25, 2010. Along with the response to the restriction, the applicant filed a second request for a decision on the second petition.

DECISION

Since the applicant has provide sufficient reason for the suspension along with the appropriate fees, the petition is GRANTED. Action on this case is suspended for a period of six months form the mailing date of this decision.

Petitioner is advised that this suspension of action under 37 CFT 1.103(a) at the applicant's requrest will cause a reductio in patent term adjustment accumulated (if any) under 37 CFR 1.703. The reductio is equal to the number of days beginning on the date a request for suspension of action was fild and ending on the date of the termination of the suspension. See 37 CFR 1.704(c) (1) and MPEP 709.

Any inquiry regarding this decision should be directed to Philip S. Hyder, Supervisory Patent Examiner, at (571) 272-2621 .

/Robert P Olszewski/
Director, Technology Center 2900
Designs

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.
29/311,098	12/22/2008	Andreas Frank	038739.24016US	7858

23911 7590 08/05/2010
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
BROWN, MELODY NOEL

ART UNIT	PAPER NUMBER
2917	

MAIL DATE	DELIVERY MODE
08/05/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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AUG - 5 2010 PH

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

In re Application of
FRANK ET AL.
Serial No.: 29311098
Filed: 12/22/2008

: DECISION ON PETITION

This is a decision on the petition 37 C.F.R. § 1.103(a) filed Nov. 12, 2009 to suspend action by the Office.

The petition is GRANTED.

REGULATION AND PRACTICE

A grantable petition to suspend action under 37 CFR § 1.103(a) must include:

(1) A showing of good and sufficient cause for suspension of action; and

(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

REVIEW OF FACTS

The application was filed Dec. 22, 2008. On March 13, 2009, applicants filed a petition for suspension of action by the Office. That petition was granted by the examiner May 11, 2009. A second petition for the suspension of action was filed Nov. 12, 2010. A requirment for restriction was mailed May 25, 2010. Along with the response to the restriction, the applicant filed a second request for a decision on the second petition.

DECISION

Since the applicant has provide sufficient reason for the suspension along with the appropriate fees, the petition is GRANTED. Action on this case is suspended for a period of six months form the mailing date of this decision.

Petitioner is advised that this suspension of action under 37 CFT 1.103(a) at the applicant's requrest will cause a reductio in patent term adjustment accumulated (if any) under 37 CFR 1.703. The reductio is equal to the number of days beginning on the date a request for suspension of action was fild and ending on the date of the termination of the suspension. See 37 CFR 1.704(c) (1) and MPEP 709.

Any inquiry regarding this decision should be directed to Philip S. Hyder, Supervisory Patent Examiner, at (571) 272-2621 .

/Robert P Olszewski/
Technology Center 2900
Designs

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY SE, STE 1500
ATLANTA, GA 30339-5994

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Jen-Shyan CHEN	:	
Application No. 29/311,188	:	DECISION ON PETITION
Filed: January 13, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **340902-1180**	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before April 25, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed January 25, 2010. Accordingly, the date of abandonment of this application is January 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $430, (2) the petition fee of $810, (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Data Management for processing into a patent.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 08 2010

OFFICE OF PETITIONS

MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

Patent No. D,598,748	:	
Application No. 29/311,206	:	
Filed: January 15, 2009	:	NOTICE
Issued: August 25, 2009	:	
Attorney Docket No. 3948-0115PUS4	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: JAMES HELLWEGE
MUNCY, GEISSLER, OLDS & LOWE, PLLC
P O BOX 1364
FAIRFAX, VA 22038

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OCT 01 2010

OFFICE OF PETITIONS

MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

In re Patent No. D,599,205	:	
Issue Date: September 1, 2009	:	
Application No. 29/311,207	:	NOTICE
Filed: January 15, 2009	:	
Attorney Docket No. 3948-0115PUS3	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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 patent 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) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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MAILED
JUN 09 2011
OFFICE OF PETITIONS

RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Patent No. D623700	:	
Issue Date: September 14, 2010	:	
Application No. 29/311,221	:	DECISION ON PETITION
Filed: January 22, 2009	:	
Attorney Docket No. BAN-109	:	

This is a decision on the Request For A Patent To Be Corrected To State The Name Of The Assignee and Request For Certificate Of Correction Under 37 C.F.R. §1.323, filed September 28, 2010, to accept the omission of the second assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to accept the omission of the second assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner urges that a Certificate of Correction (PTO/SB/44) be issued to add the omitted second assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with the petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. D623700.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/311,354	02/27/2009	Karlheinz Bauer	038739.24050US	1291

23911 7590 02/08/2011
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
BROWN, MELODY NOEL

ART UNIT	PAPER NUMBER
2917	

MAIL DATE	DELIVERY MODE
02/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

2/8/2011

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

In re Application of
BAUER ET AL.
Serial No.: 29311354
Filed: 2/27/2009

: DECISION ON PETITION

This is a decision on the petition 37 C.F.R. § 1.103(a) filed on Jan 26, 2011 to suspend action by the Office.

The petition is DENIED.

REGULATION AND PRACTICE

A grantable petition to suspend action under 37 CFR § 1.103(a) must include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

REVIEW OF FACTS

The applicant has met the requirements set forth above.

The application was filed Feb. 27, 2009. A first petition for suspension of action by the office was filed May 18, 2009. On March 10, 2010, the applicant filed a second petition for suspension of action. Since the second suspension was filed 9 months after the filing of the first suspension, the necessity for the first suspension was deemed moot and both petitions was addressed as one. The petitions were approved on July 28, 2010. On Jan. 26, 2011, the applicant filed for a third suspension of action by the office. The applicant again states that the suspension is nessary to keep the design secret pending the public release of the automobile at a future date.

The petition is DENIED because it lacks sufficient showing of cause to support an additional three month suspension. The rational stated by the petitioner is exactly the same as before with no additional evidence to support the claim. It is the position of the

office that the twenty three months that the application has been awaiting examination has provided the applicant with a reasonable amount of delay to bring the design to market.

Any inquiry regarding this decision should be directed to Philip Hyder , Supervisory Patent Examiner, at (571) 272-2621.

psh

/Robert Olszewski/
Robert Olszeweski
Director, Technology Center 2900
Designs

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.
29/311,355	02/27/2009	Karlheinz Bauer	038739.24051US	5194

23911 7590 02/08/2011
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
BROWN, MELODY NOEL

ART UNIT	PAPER NUMBER
2917	

MAIL DATE	DELIVERY MODE
02/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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2/8/11

?CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

In re Application of
BAUER ET AL.
Serial No.: 29311355
Filed: 2/27/2009

: DECISION ON PETITION

This is a decision on the petition 37 C.F.R. § 1.103(a) filed on Jan 26, 2011 to suspend action by the Office.

The petition is DENIED.

REGULATION AND PRACTICE

A grantable petition to suspend action under 37 CFR § 1.103(a) must include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

REVIEW OF FACTS

The applicant has met the requirements set forth above.

The application was filed Feb. 27, 2009. A first petition for suspension of action by the office was filed May 18, 2009. On March 10, 2010, the applicant filed a second petition for suspension of action. Since the second suspension was filed 9 months after the filing of the first suspension, the necessity for the first suspension was deemed moot and both petitions was addressed as one. The petitions were approved on July 28, 2010. On Jan. 26, 2011, the applicant filed for a third suspension of action by the office. The applicant again states that the suspension is nessary to keep the design secret pending the public release of the automobile at a future date.

The petition is DENIED because it lacks sufficient showing of cause to support an additional three month suspension. The rational stated by the petitioner is exactly the same as before with no additional evidence to support their claim. It is the position of the

office that the twenty three months that the application has been awaiting examination has provided the applicant with a reasonable amount of delay to bring the design to market.

Any inquiry regarding this decision should be directed to Philip Hyder , Supervisory Patent Examiner, at (571) 272-2621.

psh

/Robert Olszewski/
Robert Olszewski
Director, Technology Center 2900
Designs

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.
29/311,356	02/27/2009	Karlheinz Bauer	038739.24052US	1669

23911 7590 02/11/2011
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
BROWN, MELODY NOEL

ART UNIT	PAPER NUMBER
2917	

MAIL DATE	DELIVERY MODE
02/11/2011	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
United States Patent and Trademark Office
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2/11/2011

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

In re Application of
BAUER ET AL.
Serial No.: 29311356
Filed: 2/27/2009

: DECISION ON PETITION

This is a decision on the petition 37 C.F.R. § 1.103(a) filed on Jan 26, 2011 to suspend action by the Office.

The petition is DENIED.

REGULATION AND PRACTICE

A grantable petition to suspend action under 37 CFR § 1.103(a) must include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

REVIEW OF FACTS

The applicant has met the requirements set forth above.

The application was filed Feb. 27, 2009. A first petition for suspension of action by the office was filed May 18, 2009. On March 10, 2010, the applicant filed a second petition for suspension of action. Since the second suspension was filed 9 months after the filing of the first suspension, the necessity for the first suspension was deemed moot and both petitions was addressed as one. The petitions were approved on July 28, 2010. On Jan. 26, 2011, the applicant filed for a third suspension of action by the office. The applicant again states that the suspension is nessary to keep the design secret pending the public release of the automobile at a future date.

The petition is DENIED because it lacks sufficient showing of cause to support an additional three month suspension. The rational stated by the petitioner is exactly the same as before with no additional evidence to support their claim. It is the position of the

office that the twenty three months that the application has been awaiting examination has provided the applicant with a reasonable amount of delay to bring the design to market.

Any inquiry regarding this decision should be directed to Philip Hyder , Supervisory Patent Examiner, at (571) 272-2621.

psh

/Robert Olszewski/
Robert Olszewski
Director, Technology Center 2900
Designs

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.
29/311,573	04/22/2009	Lisa Nilsson	0104-0744PUS1	1112

7590 08/13/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
BAHTA, ABRAHAM

ART UNIT	PAPER NUMBER
2913	

NOTIFICATION DATE	DELIVERY MODE
08/13/2010	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

KAT

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

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 11, 2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
Lisa Nilsson et al	:	**DECISION ON PETITION**
Application No. 29311573	:	
Filed: 04/22/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **0104-0744PUS1**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 22, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Kimberly Terrell, Manager
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Patent No. D620809 :
Issue Date: August 3, 2010 :
Application No. 29/311,579 : DECISION ON PETITION
Filed: April 23, 2009 :
Attorney Docket No. 1011525-000486 :

This is a decision on the Request For Certificate Of Correction, filed December 17, 2010, which is being treated as Petition Under 37 CFR §3.81(b), to identify the correct assignee's name. A completed Certificate of Correction Form (Substitute PTO/SB/44 (Also Form PTO-1050)) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to correct assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR §1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (Substitute PTO/SB/44 (Also Form PTO-1050))submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. D620809.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NIXON & VANDERHYE PC
901 NORTH GLEBE ROAD 11TH FLOOR
ARLINGTON VA 22203

MAILED
MAR 07 2012
OFFICE OF PETITIONS

In re	:	
Patent No. D610700	:	DECISION ON PETITION
Issued: February 23, 2010	:	
Application No. 29/311,636	:	
Filed: May 11, 2009	:	

This is a decision on the petition under 37 CFR 1.182, filed January 3, 2012, for a duplicate Letters Patent.

The petition under 37 CFR 1.182 is **GRANTED.**

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3207. Any questions concerning issuance of the duplicate Letters Patent should be directed to Ollie Person at (703)756-1555.

A copy of this decision is being forwarded to the Publishing Division for issuance of a duplicate Letters patent.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

cc: Ollie Person, P/OPPD (FAX 571-270-9764)
Kimberly Terrell, P/OPPD (FAX 571-270-9958)

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

NOV 18 2010

OFFICE OF PETITIONS

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

In re Application of :
Chih-Hung Chang :
Application No. 29/311,654 : ON PETITION
Filed: May 18, 2009 :
Attorney Docket No. **WDIP00027-USD** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2010, to revive the above-identified application.

This application became abandoned for failure to timely file corrected drawings on or before August 16, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 14, 2010. Accordingly, the date of abandonment of this application is August 17, 2010.

The petition is hereby **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

As to item (4)

Since the above-identified application is a design application a terminal disclaimer is required. As stated in 37 CFR 1.137(d) it requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $140 is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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 1.137(b)**." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the JoAnne Burke at (571) 272-4584.

JoAnne Burke
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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DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Chih-Hung Chang :
Application No. 29/311,654 :
Filed: May 18, 2009 :
Attorney Docket No. **WDIP00027-USD** :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 18, 2011, to revive the above-identified application.

This application became abandoned for failure to timely file corrected drawings on or before August 16, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 14, 2010. Accordingly, the date of abandonment of this application is August 17, 2010.

The petition is hereby **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

As to item (4)

The Office acknowledges receipt of a Terminal Disclaimer and the $140 fee submitted on January 18, 2011. However, as stated in the previous decision of November 18, 2010, if a Terminal Disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b). Therefore, since the assignee did not comply with the requirements of 37 CFR 3.73(b), the Terminal Disclaimer unacceptable and will not be entered. Accordingly, the petition can not be granted at this time.

The Office will also like to bring to petitioner's attention that the Revocation of Power of Attorney submitted on November 3, 2010, was **erroneously accepted**. Therefore, the Noticed of Acceptance of Power of Attorney mailed on November 19, 2010, is being **rescinded** due to the reason that the Statement under 37 CFR 3.73(b) was not received. Accordingly, the attorney that was made of record will no longer have power

in the above-identified application. The address will be reverted back to the address of record before the erroneously acceptance.

The Revocation of Power of Attorney submitted with the instant petition on January 18, 2011, is also not accepted because it was not accompanied with the Statement under 37 CFR 3.73(b). A blank copy of the Statement under 3.73(b) is enclosed with this decision. A courtesy copy of this decision is being mailed to the correct address of record.

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 1.137(b)**." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the JoAnne Burke at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

Enclosure: Blank Statement under 37 CFR 3.73(b)

cc: GENIUS ELECTRONICS OPTICAL CO., LTD
P.O. BOX 215
TAICHUNG 40099 TW TAIWAN

UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Chih-Hung Chang	:	
Application No. 29/311,654	:	ON PETITION
Filed: May 18, 2009	:	
Attorney Docket No. **WDIP00027-USD**	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2011, and supplemented on May 19, 2011, to revive the above-identified application.

This application became abandoned for failure to timely file corrected drawings on or before August 16, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 14, 2010. Accordingly, the date of abandonment of this application is August 17, 2010.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Data Management for normal course business.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/311,654	05/18/2009	Chih-Hung Chang	WDIP00027-USD

CONFIRMATION NO. 4862

POA ACCEPTANCE LETTER

30265
DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK, CA 91754

OC000000047909766

Date Mailed: 05/26/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/19/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/311,710	06/01/2009	Michael Frei	038739.24852US	2097

23911 7590 12/09/2010
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
BROWN, MELODY NOEL

ART UNIT	PAPER NUMBER
2917	

MAIL DATE	DELIVERY MODE
12/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

DEC 09 2010

In re Application of
FREI ET AL.
Serial No.: 29311710 .
Filed: 6/1/2009

: DECISION ON PETITION

This is a decision on the petition 37 C.F.R. § 1.103(a) filed on Sept. 30, 2010 to suspend action by the Office.

The petition is GRANTED.

REGULATION AND PRACTICE

A grantable petition to suspend action under 37 CFR § 1.103(a) must include:

(1) A showing of good and sufficient cause for suspension of action; and

(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

REVIEW OF FACTS

The application was filed June 1, 2009. On Aug. 14, 2009, applicants filed a petition for suspension of action by the Office. That petition was approved by the examiner April 1, 2010. A second petition for the suspension of action was filed Sept. 30, 2010. The applicant has stated that the suspension is necessary because the part claimed in application is a part of a design for a new vehicle which as not been yet been released to the public. The release of the design could be damaging o the owner of the application.

The applicant has met the requirements set forth above.

DECISION

For the above-stated reasons, the petition is GRANTED. Action on this case is suspended for a period of six months from the mailing date of this decision.

Petitioner is advised this suspension of action under 37 CFR 1.103(a) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR 1.704(c)(1) and MPEP 709.

Any inquiry regarding this decision should be directed to Philip S. Hyder, Supervisory Patent Examiner, at (571) 272-2621.

/Robert P Olszewski/
Director, Technology Center 2900
Designs

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Raaj Jhamb
6645 Caballero Blvd
Buena Park CA 90620

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Puneet Nanda	:	
Application No. 29/311,719	:	DECISION ON PETITION
Filed: June 4, 2009	:	
Attorney Docket No. **PD/05/18/09-04**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 11, 2011, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue fee on or before December 30, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 30, 2010. Accordingly, the date of abandonment of this application is December 31, 2010.

The petition is hereby **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4) in that the Terminal Disclaimer filed concurrently with the instant petition cannot be accepted.

There is no indication that the person signing the instant petition and the terminal disclaimer filed therewith was ever given a power of attorney to prosecute the application. However, in accordance with 37 CFR 1.34, the signature of Ketan S. Vakil appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. A courtesy copy of this decision is being mailed to Ketan S. Vakil, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Accordingly, since the terminal disclaimer has not been signed by a person having power of attorney or by an authorized agent who has power to prosecute the application the terminal disclaimer filed with the instant petition is unacceptable and will not be entered. Therefore, the petition can not be granted at the time. However, if petitioner desires to be acknowledged as the attorney of record, the appropriate power of attorney or authorization of agent must be submitted. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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 1.137(b)."** This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Ketan S. Vakil
600 Anton Blvd Suite 1400
Costa Mesa, CA 92626

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Puneet Nanda	:	
Application No. 29/311,719	:	DECISION ON PETITION
Filed: June 4, 2009	:	
Attorney Docket No. **PD/05/18/09-04**	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 19, 2011, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue fee on or before December 30, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 30, 2010. Accordingly, the date of abandonment of this application is December 31, 2010.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $430, (2) the petition fee of $810; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Data Management to be processed into a patent.

JoAnne Burke
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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MAILED

OCT 08 2010

OFFICE OF PETITIONS

MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

Patent No. D,623,049	:	
Application No. 29/311,723	:	
Filed: June 5, 2009	:	NOTICE
Issued: September 7, 2010	:	
Attorney Docket No. 3948-0132PUS1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: JAMES HELLWEGE
MUNCY, GEISSLER, OLDS & LOWE, PLLC
P O BOX 1364
FAIRFAX, VA 22038

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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VIA MERAVIGLI, 16
MILAN 20123 IT ITALY

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Paolo CORTIVO et al.	:	
Application No. 29/311,762	:	DECISION ON PETITION
Filed: June 15, 2009	:	
Attorney Docket No. E047667/DOB/mrs	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 14, 2010, to revive the above-identified design application.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed January 14, 2010 , which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 15, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item **(4).**

With respect to item (4), since the instant application is a design application, a terminal disclaimer and the small entity fee of $70.00 are required by 37 CFR 1.137(b) for revival.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MODIANO & ASSOCIATI
Via Meravigli, 16
MILAN 20123 IT ITALY

MAILED
FEB 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Paolo CORTIVO et al.	:	
Application No. 29/311,762	:	DECISION ON PETITION
Filed: June 15, 2009	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed January 14, 2010 , which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810.00, (3) a proper statement of unintentional delay and; (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the reply to the January 14, 2010 of is accepted as having been unintentionally delayed.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
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.
29/311,765	06/15/2009	Emiel Burki	038739.24856US	4922

23911 7590 03/17/2011
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
BROWN, MELODY NOEL

ART UNIT	PAPER NUMBER
2917	

MAIL DATE	DELIVERY MODE
03/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

3/17/2011

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

In re Application of
BURKI ET AL.
Serial No.: 29311765
Filed: 6/15/2009

: DECISION ON PETITION

This is a decision on the petition 37 C.F.R. § 1.103(a) filed on Jan 26, 2011 to suspend action by the Office.

The petition is DENIED.

REGULATION AND PRACTICE

A grantable petition to suspend action under 37 CFR § 1.103(a) must include:

(1) A showing of good and sufficient cause for suspension of action; and

(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

REVIEW OF FACTS

The applicant has not met the requirements set forth above.

The application was filed June 15, 2009. A first petition for suspension of action by the office was filed Aug. 28, 2009. That petiton was approved by the examiner. On April 2, 2010, the applicant filed a second petition for suspension of action. The second petition for suspension of action was approved by the Director on July 28 2011. On Jan. 26, 2011, the applicant filed for a third suspension of action by the office. The applicant again states that the suspension is nessary to keep the design secret pending the public release of the automobile at a future date.

The petition is DENIED because it lacks sufficient showing of cause to support an additional three month suspension. The rational stated by the petitioner is exactly the same as before with no additional evidence to support the claim. It is the position of the office that the twenty three months that the application has been awaiting examination has provided the applicant with a reasonable amount of delay to bring the design to market.

Any inquiry regarding this decision should be directed to Philip Hyder , Supervisory Patent Examiner, at (571) 272-2621.

psh

/Robert Olszewski/
Robert Olszewski
Director, Technology Center 2900
Designs

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.
29/311,766	06/15/2009	Emiel Burki	038739.24858US	7429

23911 7590 03/17/2011
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
BROWN, MELODY NOEL

ART UNIT	PAPER NUMBER
2917	

MAIL DATE	DELIVERY MODE
03/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

3/17/2011

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

In re Application of
BURKI ET AL.
Serial No.: 29311766
Filed: 6/15/2009

: DECISION ON PETITION

This is a decision on the petition 37 C.F.R. § 1.103(a) filed on Jan 26, 2011 to suspend action by the Office.

The petition is DENIED.

REGULATION AND PRACTICE

A grantable petition to suspend action under 37 CFR § 1.103(a) must include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

REVIEW OF FACTS

The applicant has not met the requirements set forth above.

The application was filed June 15, 2009. A first petition for suspension of action by the office was filed Aug. 28, 2009. That petiton was approved by the examiner. On April 20, 2010, the applicant filed a second petition for suspension of action. The second petition for suspension of action was approved by the Director on July 28 2011. On Jan. 26, 2011, the applicant filed for a third suspension of action by the office. The applicant again states that the suspension is nessary to keep the design secret pending the public release of the automobile at a future date.

The petition is DENIED because it lacks sufficient showing of cause to support an additional three month suspension. The rational stated by the petitioner is exactly the same as before with no additional evidence to support the claim. It is the position of the office that the twenty three months that the application has been awaiting examination

has provided the applicant with a reasonable amount of delay to bring the design to market.

Any inquiry regarding this decision should be directed to Philip Hyder , Supervisory Patent Examiner, at (571) 272-2621.

psh

/Robert Olszewski/
Robert Olszewski
Director, Technology Center 2900
Designs

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.
29/311,767	06/15/2009	Emiel Burki	038739.24857US	5326

23911 7590 03/17/2011
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
BROWN, MELODY NOEL

ART UNIT	PAPER NUMBER
2917	

MAIL DATE	DELIVERY MODE
03/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

3/17/2011

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

In re Application of
BURKI ET AL.
Serial No.: 29311767
Filed: 6/15/2009

: DECISION ON PETITION

This is a decision on the petition 37 C.F.R. § 1.103(a) filed on Jan 26, 2011 to suspend action by the Office.

The petition is DENIED.

REGULATION AND PRACTICE

A grantable petition to suspend action under 37 CFR § 1.103(a) must include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

REVIEW OF FACTS

The applicant has not met the requirements set forth above.

The application was filed June 15, 2009. A first petition for suspension of action by the office was filed Sept. 16, 2009. That petiton was approved by the examiner Nov. 25, 2009. On May 25, 2010, the applicant filed a second petition for suspension of action. The second petition for suspension of action was approved by the Director on July 28 2011. On Jan. 26, 2011, the applicant filed for a third suspension of action by the office. The applicant again states that the suspension is nessary to keep the design secret pending the public release of the automobile at a future date.

The petition is DENIED because it lacks sufficient showing of cause to support an additional three month suspension. The rational stated by the petitioner is exactly the same as before with no additional evidence to support the claim. It is the position of the office that the twenty three months that the application has been awaiting examination

has provided the applicant with a reasonable amount of delay to bring the design to market.

Any inquiry regarding this decision should be directed to Philip Hyder , Supervisory Patent Examiner, at (571) 272-2621.

js

/Robert P Olszewski/
Robert P. Olszewski
Director, Technology Center 2900
Designs

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 08 2010

OFFICE OF PETITIONS

MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

Patent No. D,615,164	:	
Application No. 29/311,813	:	
Filed: June 29, 2009	:	NOTICE
Issued: May 4, 2010	:	
Attorney Docket No. 3948-0134PUS1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: JAMES HELLWEGE
MUNCY, GEISSLER, OLDS & LOWE, PLLC
P O BOX 1364
FAIRFAX, VA 22038

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED
FEB 11 2011
OFFICE OF PETITIONS

In re Application of :
Coley, et al. :
Application No. 29/311,815 : DECISION
Filed/Deposited: 30 June, 2009 :
Attorney Docket No. PTB-4446-51 :

This is a decision on the petition filed on 6 December, 2010, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

Petitioner is reminded that: all petitions to withdraw the holding of abandonment should include the documentary support with the statements required consistent with the guidance in the Commentary at MPEP §711.03(c)(I).

Petitioner is reminded that, while his petition expressed complaints as to clarity or response of the Office, the record is silent as to any inquiry in this regard by the Petitioner between Petitioner's 25 January, 2010, submission and the filing of the instant petition.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief pursuant to 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Applicant failed to reply timely and properly to the drawings requirement of the Notice of Allowance/Allowability and Fees Due mailed on 8 January, 2010, with reply due absent extension of time on or before 8 April, 2010.

Petitioner's submission (drawings with Rule 312 Amendment) of 25 January, 2010, appears not to have been entered at that time, and on 24 August, 2010, the Examiner mailed a Notice indicating that the submission was "disapproved"—however, the Notice provided no reply period therein.

On 5 October, 2010, the Examiner mailed a Notice indicating that the submission had been "entered"—however, while the Notice indicated that corrections were required to drawings, no period of reply was set in the Notice.

The Office mailed the Notice of Abandonment on 7 October, 2010.

The date of abandonment of application by operation of law was nominally after midnight 8 April, 2010.

On 6 December, 2010, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 and averred timely reply, with, in general, an outline of the facts set forth above, and voiced numerous complaints. Notably, however, the record is silent as to any effort by Petitioner to inquire into the matter after the 25 January, 2010, submission. Petitioner failed to file a single Status Inquiry or Request for Information in the period, and he waited until nearly the last day to file a request for relief pursuant to 37 C.F.R. §1.181. Further, Petitioner appears to have ignored much of the guidance in the Commentary at MPEP §711.03(c)(I) as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181. In advance of preparing this decision, the Office of Petitions conferred with the Patent Examiner and the Supervisory Patent Examiner in Technology Center/AU 2912, and they have requested that the Abandonment be withdrawn/vacated and that the application be returned to the AU/TC for further action clarifying the instructions of the Examiner.

Petitioner is reminded that all petitions to withdraw the holding of abandonment should include the documentary support with the statements required consistent with the guidance in the Commentary at MPEP §711.03(c)(I).

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181 provides in pertinent part as to non-receipt:

***

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[1]

***

The guidance in the Commentary at MPEP §711.03(c)(I) also provides in pertinent part as to timely reply:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for

[1] *See*: MPEP §711.03(c) (I)(A).

failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [2]

***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[3]

---

[2] *See*: MPEP §711.03(c) (I)(B).

[3] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[4],[5]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[6]

---

[4] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[5] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[6] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how and when it is to be made and supported.

Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered under 37 C.F.R. §1.181 is **granted**, and the 7 October, 2010, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 2912 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[7]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[7] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DILLIS V. ALLEN
Suite 101
105 S. Roselle Road
Schaumburg IL 60193

MAILED
DEC 02 2010
OFFICE OF PETITIONS

In re Application of :
Li, et al. :
Application No. 29/311,903 : ON PETITION
Filed: July 27, 2009 :
Attorney Docket No. N/A :
For: WEIGHT SCALE ASSEMBLY WITH PEDESTAL

This is a decision on the petition captioned, "PETITION TO REVIVE UNDER 37 C.F.R. 1.137(a) or (b) and 1.181(a). The petition was filed on September 27, 2010.

The petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

The petition under 37 CFR 1.137(b) 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. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application was held abandoned for failure to timely submit the issue fee within three months of the mailing of the December 14, 2009 Notice of Allowance and Fee(s) Due. Applicants submitted a completed Part B-Fee(s) Transmittal and a check for $433.00 on certificate of mailing date March 15, 2010. However, the check was returned on March 26, 2010 because the account had insufficient funds to cover the $433.00 check.

On March 31, 2010, the Office mailed a Notice of Returned Payment, which requested applicants to submit a cashier/certified check, money order, or credit card authorization for $483.00 within 15 business days. The new payment was to be applied as follows – $430.00 issue fee, $3.00 printed copy fee, and $50.00 for the returned payment processing fee.

On April 15, 2010, within 15 days of the mail date of the March 31, 2010 Notice, applicants submitted authorization to charge a credit card in the amount of $483.00.

On April 2, 2010, the Office mailed a Notice of Abandonment.

On May 25, 2010, applicants filed correspondence asserting that the payment was timely made within the "grace period" afforded applicants in the March 31, 2010 Notice.

The May 25, 2010 correspondence was treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 and was dismissed on June 9, 2010.

The present petition was filed on September 27, 2010. Petitioners request "...revival under 37 CFR 1.137(a) or (b) and 1.81(a), since the abandonment was unavoidable as opposed to unintentional." (petition, first page).

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed;

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed.;

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

As a threshold matter, both petitions lack (2).

Regarding both (2)s listed above: Petitioners are informed that 35 U.S.C. 41(a) (7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable

delay), in which case the fee is set forth in 37 CFR 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

Petitioners have not submitted the Rule 137(a) petition fee of $270.00 or the Rule 137(b) petition fee of $810.00. As stated above, the Office will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

It is arguable that petitioners' September 27, 2010 correspondence should **not** be treated as a renewed petition under 37 CFR 1.181 because it was filed more than two months after the mail date of the June 11, 2010 decision on petition. *See,* 37 CFR 1.181(f). However, in the interest of providing applicants with guidance as to the best course of action with respect to reviving the application, the undersigned will address the points raised in the September 27, 2010 correspondence.

Petitioners argue the purpose of the Notice of Returned Payment is to provide a grace period. Petitioners are incorrect. As stated on the form, fees are considered paid when the Office receives a payment that is negotiable. The Notice does not extend any time that may be running against the application number.

The purpose of the form is to inform applicants that their check bounced and that there is now an additional $50.00 fee for processing the bounced check. The form's language is not ridiculous, as practitioner asserts. In some instances, there is time remaining in the period for response so that payment can still be timely made. For example, if an applicant attempts to submit a check for the issue fee only one month after the mailing of the Notice of Allowance and the check bounces, then after receiving a Notice of Returned Payment it is possible that the applicant can make proper payment (along with the $50.00 returned payment-processing fee) before the three month statutory period expires.

As stated in the December 14, 2009 Notice of Allowance and Fee(s) Due, "... THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE</u> MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151...."

Petitioner is reminded that the word "shall" appears in 35 U.S.C. § 151 pertaining to the necessity to pay the issue fee within three months of the mailing of a written notice of allowance and in explaining that if the issue fee is not paid within three months, the application will become abandoned. It is well settled that the use of "shall" in a statute is the language of command, and where the directions of a statute are mandatory, then strict compliance with the statutory terms is essential. Farrel Corp. v. U.S. Int'l Trade Comm'n, 942 F.2d 1147, 20 USPQ2d 1912 (Fed. Cir. 1991). The language of the statute does not permit the Commissioner any discretion with respect to extending the three month period to pay the issue fee.

In short, the Office is prohibited from providing applicants a grace period with respect to payment of the issue fee. It is statutorily set for three months after the mail date of the Notice of Allowance and Fee(s) Due. The application became abandoned three months after December 14, 2009, on March 15, 2010, for failure to pay the required issue fee.

The renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

The undersigned **strongly** suggests applicants file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b).

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioners intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DILLIS V. ALLEN
Suite 101
105 S. Roselle Road
Schaumburg IL 60193

MAILED
APR 22 2011
OFFICE OF PETITIONS

In re Application of :
Li, et al. :
Application No. 29/311,903 :
Filed: July 27, 2009 :
Attorney Docket No. N/A :
For: WEIGHT SCALE ASSEMBLY WITH PEDESTAL

ON PETITION

This is a decision on the renewed petition under 37 C.F.R. 1.137(b), filed March 24, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned on March 15, 2010 for failure to timely submit the issue fee within three months of the mailing of the December 14, 2009 Notice of Allowance and Fee(s) Due. On April 2, 2010, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $430.00 issue fee and completed Part B – Fee(s) Transmittal (2) the petition fee of $810.00; (3) a proper statement of unintentional delay, and (4) a terminal disclaimer accompanied by the required $70.00 fee.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application is being referred to the Office of Data Management for consideration of the corrected drawings filed on March 15, 2010.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
29/311,943	08/04/2009	Apostolos Antoniadis	038739.24871US	1551

23911 7590 08/31/2010
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
CADMUS, STACIA A

ART UNIT	PAPER NUMBER
2913	

MAIL DATE	DELIVERY MODE
08/31/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

AUG 31 2010

In re Application of
ANTONIADIS ET AL.
Serial No.: 29311943
Filed: 8/4/09

: DECISION ON PETITION

This is a response to the SECOND PETITION FOR SUSPENSION OF ACTION under 37 CFR 1.103(a) filed on 03/07/2010. The petition requests a second Suspension of Action by the office for the maximum 6 month period. A petition for suspension of action under 37 CFR 1.103(a) must:

(A) be presented as a separate paper;

(B) be accompanied by the petition fee set forth in 37 CFR 1.17(g);

(C) request a specific and reasonable period of suspension no greater than 6 months; and

(D) present good and sufficient reasons why the suspension is necessary.

DECISION

A review of the second petition reveals that the petition complies with the requirements of 37 CFR 1.103(a). Pursuant to applicant's request filed on 03/07/2010, action by the Office is suspended on this application under 37 CFR 1.103(a) for a period of six (6) months beginning on the mailing date of this decision. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

The Petition is GRANTED

Should there be any questions with regard to this letter please contact Caron D. Veynar by letter addressed to the Director, Technology Center 2900, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at (571) 272-2646. .

cv

Robert Olszewski
Director, Technology Center 2900
Designs

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

MODIANO & ASSOCIATI
VIA MERAVIGLI, 16
MILAN 20123 IT ITALY

MAILED
FEB 07 2011
OFFICE OF PETITIONS

In re Application:	:	
Marinoni et al.	:	
Application No. 29/311,968	:	ON PETITION
Filed: August 10, 2009	:	
Attorney Docket No. E047973/DOB/IP	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 17, 2010.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MODIANO & ASSOCIATI
Via Meravigli, 16
MILAN 20123 IT ITALY

MAILED
FEB 14 2011
OFFICE OF PETITIONS

In re Patent No. D629871 :
Issue Date: December 28, 2010 :
Application No. 29/311,969 : NOTICE
Filed: August 10, 2009 :
Attorney Docket No. E047971/DOB/IP :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 17, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet 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
www.uspto.gov

MODIANO & ASSOCIATI
Via Meravigli, 16
MILAN 20123 IT ITALY

MAILED
FEB 14 2011
OFFICE OF PETITIONS

In re Patent No. D629872 :
Issue Date: December 28, 2010 :
Application No. 29/311,970 : NOTICE
Filed: August 10, 2009 :
Attorney Docket No. E047972/DOB/IP :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 17, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet 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
www.uspto.gov

MAILED

SEP 27 2010

OFFICE OF PETITIONS

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of	:	
Hagen Walter DOST et al.	:	
Application No. 29/312,124	:	DECISION ON PETITION
Filed: September 30, 2008	:	
Attorney Docket No. **0212.81874**	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 17, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees and to submit corrected formal drawings on or before November 12, 2009, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed August 11, 2009. Accordingly, the date of abandonment of this application is November 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $860, and corrected formal drawings , (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice of Allowance is accepted as having been unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
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

WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA CA 95050

MAILED
DEC 21 2010
OFFICE OF PETITIONS

In re Application of	:	
Zhang et al.	:	
Application No. 29/312280	:	DECISION ON
Filing or 371(c) Date: 10/10/2008	:	PETITION
Title of Invention:	:	
INTERFACES OF AN ELECTRICAL	:	
CONNECTOR ASSEMBLY	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1:137(b), filed September 7, 2010, and supplemented September 14, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, and Notice of Allowability, mailed May 29, 2010. The Notices set a non-extendable three (3) month period for reply. No complete and proper reply having been received, the application became abandoned on August 30, 2010. A Notice of Abandonment was mailed September 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee filed with the petition, and corrected drawings (filed September 14, 2010); (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee and file corrected drawings as required by the Notices is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application is being referred to Publishing Division for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
29/312,463	10/22/2008	Stefan Rittweger	COND-2008-007B	9158

7590 08/25/2010
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER
PALASIK, PATRICIA ANN

ART UNIT	PAPER NUMBER
2915	

MAIL DATE	DELIVERY MODE
08/25/2010	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

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 25, 2010

LERNER GREENBERG STEMER LLP
P.O. BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of	:	
RITTWEGER, STEFAN	:	**DECISION ON PETITION**
Application No. 29/312,463	:	
Filed: 01/22/2008	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. COND-2008-007B	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 22, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

Note: Only one set of drawings is required when petition is filed via EFS WEB.

The petition was accompanied by all of the requirements above. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRIAN C. TRASK
3601 EAST HERMES DRIVE
SALT LAKE CITY UT 84124

MAILED
DEC 05 2011
OFFICE OF PETITIONS

In re Patent No. D596756 :
Issue Date: July 21, 2009 :
Application No. 29/312,537 : NOTICE
Filed: October 29, 2009 :
Attorney Docket No. B64-367 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 17, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet 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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MAILED

NOV 12 2010

OFFICE OF PETITIONS

COX SMITH MATTHEWS INCORPORATED
112 EAST PECAN STREET, SUITE 1800
SAN ANTONIO TX 78205-1521

In re Application of	:	
Sally Sirkin LEWIS	:	
Application No. 29/312,747	:	DECISION ON PETITION
Filed: November 12, 2008	:	
Attorney Docket No. 32909.12	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 07, 2010, to revive the above-identified design application

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 03, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 04, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810.00, (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the reply to the non-final Office action of September 03, 2009 is accepted as having been unintentionally delayed.

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business on the reply received

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COX SMITH MATTHEWS INCORPORATED
112 EAST PECAN STREET, SUITE 1800
SAN ANTONIO TX 78205-1521

MAILED

NOV 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Sally Sirkin Lewis	:	
Application No. 29/312,749	:	DECISION ON PETITION
Filed: November 12, 2008	:	
Attorney Docket No. 32909.10	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed September 14, 2009, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 15, 2009. The Notice of Abandonment was mailed February 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, (3) a proper statement of unintentional delay and, (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business on the reply received.

/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

COX SMITH MATTHEWS INCORPORATED
112 EAST PECAN STREET, SUITE 1800
SAN ANTONIO TX 78205-1521

MAILED
NOV 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Sally Sirkin Lewis	:	
Application No. 29/312,752	:	DECISION ON PETITION
Filed: November 12, 2008	:	
Attorney Docket No. 32909.9	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 11, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 12, 2009. The Notice of Abandonment was mailed December 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3624 for appropriate action by the Examiner in the normal course of business on the reply received.

/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
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COX SMITH MATTHEWS INCORPORATED
112 EAST PECAN STREET, SUITE 1800
SAN ANTONIO TX 78205-1521

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of :
LEWIS, SALLY SIRKIN :
Application No. 29/312,757 :
Filed: 11/12/2008 :
Attorney Docket No. 32909.7 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 7, 2010, to revive the above-identified application.

This application became abandoned for failure to reply timely to the Restriction Requirement mailed July 14, 2009, which set a shortened statutory period of one month or thirty days, whichever was longer. No extensions of this time period were obtained. Accordingly, the application became abandoned on August 15, 2009. A Notice of Abandonment was mailed on February 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply, (2) the petition fee, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

Accordingly, the failure to respond timely to the Restriction Requirement is accepted as being unintentionally delayed. The petition under 37 CFR 1.137(b) is **GRANTED**. The terminal disclaimer is accepted and has been made of record.

This matter is being referred to the Technology Center Art Unit 2913.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
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

COX SMITH MATTHEWS INCORPORATED
112 EAST PECAN STREET, SUITE 1800
SAN ANTONIO TX 78205-1521

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Sally Sirkin LEWIS	:	
Application No. 29/312,763	:	DECISION ON PETITION
Filed: November 12, 2008	:	
Attorney Docket No. 32909.3	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action mailed, May 13, 2009, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 14, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and the required fee, (2) the petition fee of $810; (3) the required statement of unintentional delay; and (4) the required terminal disclaimer (and fee set forth in 37 CFR 1.20(d) required by 37 CFR 1.137(d).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The Terminal Disclaimer filed with the petition on November 29, 2010, is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business on the reply.

/Diane C. Goodwyn/
Diane C. 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
www.uspto.gov

Shawna Cannon Lemon
301 Keybridge Drive
Morrisville NC 27560

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of
Lemon
Application No. 29/312,791
Filed: November 13, 2008
For: Exhaust Pipe and Running Board Set For A Mini Van

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 17, 2010, to revive the above-identified design application.

The petition is **Dismissed**.

Any request for reconsideration 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 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. §704.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due, and submit corrected drawings, as required by the Notice of Allowability both of which were mailed June 8, 2010. The Notice of Allowance and Issue Fee Due and the Notice of Allowability set a three (3) month period for reply. Extensions of time were not available under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on September 9, 2008. A Notice of Abandonment was mailed on November 10, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). A terminal disclaimer and the $70/$140 terminal disclaimer fee is required under 37 CFR 1.137(c) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

As to item (1), Office records do not show that the issue fee has been received. The credit card authorization submitted on September 8, 2010 was submitted without an appropriate signature.

The issue fee transmittal form submitted on September 16, 2010 did not include a credit card authorization. The issue fee transmittal submitted on September 23, 2010 references the submission of the correspondence of September 16, 2010, which Office records do not reflect the credit card authorization. To the extent petitioner has evidence that the credit card was assessed the issue fee, evidence should be presented. Otherwise the issue fee in the amount of $430.00 is required.

In addition, petitioner has failed to submit corrected drawings as required by the Notice of Allowability.

As to item (4), a terminal disclaimer and terminal disclaimer fee ($70/$140) is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Shawna Cannon Lemon
301 Keybridge Drive
Morrisville NC 27560

MAILED

FEB 22 2011

OFFICE OF PETITIONS

In re Application of
Lemon
Application No. 29/312,791
Filed: November 13, 2008
For: Exhaust Pipe and Running Board Set For A Mini Van

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 13, 2010, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due, which was mailed June 8, 2010. The Notice of Allowance and Issue Fee Due set a three (3) month period for reply. Extensions of time were not available under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on September 9, 2008. A Notice of Abandonment was mailed on November 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

It is further acknowledged that replacement drawings were previously submitted on September 8, 2010.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of
Daniel Massaro, et. al.
Application No. 29/312,942
Filed: November 21, 2008
Attorney Docket No. 1543-DP01

DECISION ON PETITION

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed May 26, 2010, to revive the above-identified application. This is also a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed on October 25, 2010. The delay in responding is regretted.

The petition under 37 CFR 1.137(a) is **dismissed.**

This application was held abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed January 15, 2009. A Notice of Abandonment was mailed on September 28, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

In this regard, the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). See MPEP 711.03(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay. Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> "The word 'unavoidable'...is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present."

Petitioner asserts that a patent attorney was hired and "We thought he would handle all filings and send in all additional information that needed to be submitted. We had several communications with him via phone, email and meeting in person. We were never informed of the status or that nothing had been paid along with our application, When we met with him he never informed us that any money would need to be submitted along with the application." Petitioner further states "We hired someone to do this so that it coul be done right and we apoligize that it was not. We would like to have our patent granted and taken out of this status."

Although the undersigned understands petitioner's issue, there is no showing that counsel misrepresented the true status of this application to petitioner, such that applicant was "unavoidably" prevented from taking more diligent action in this case. Moreover, the USPTO must rely on the action or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962).

While the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable, the showing of record is sufficient to establish that the entire delay in filing the petition was unintentional. Therefore, the discussion of the petition under 37 CFR 1.137(b) filed on October 25, 2010 is discussed below:

The petition under 37 CFR 1.137(b) is **dismissed**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (2).

The Office acknowledges receipt of $110 for the design filing fee, $50 for the design search fee, $70 for the design examination fee, $65 for the late filing surcharge, $270 for treatment of the petition under 37 CFR 1.137(a) and the $50 bounced check fee all submitted on August 23, 2010. The Office also acknowledges receipt of a terminal disclaimer and a check in the amount of $560 submitted on October 25, 2010. The terminal disclaimer fee of $70 has been deducted from the $560 leaving a balance of $490 to be applied towards the unintentional petition fee of $810. Therefore, the petition fee deficiency of $320 needs to be submitted before revival of the present application can occur.

Additionally, the declaration filed on October 25, 2010, is defective as the wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. Accordingly, a new oath or declaration must be submitted and must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. *See* §§ MPEP 602.01 and 602.02.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

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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GARY L. EASTMAN
Gary L. Eastman, APLC
401 W. "A" Street, Suite 1785
SAN DIEGO CA 92101

MAILED
FEB 08 2011
OFFICE OF PETITIONS

In re Application of
Daniel Massaro, et. al.
Application No. 29/312,942
Filed: November 21, 2008
Attorney Docket No. 1543-DP01

DECISION ON PETITION

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed May 26, 2010, to revive the above-identified application. This is also a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed on October 25, 2010. The delay in responding is regretted.

The petition under 37 CFR 1.137(a) is **dismissed.**

This application was held abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed January 15, 2009. A Notice of Abandonment was mailed on September 28, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

In this regard, the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). See MPEP 711.03(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay. Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> "The word 'unavoidable'...is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present."

Petitioner asserts that a patent attorney was hired and "We thought he would handle all filings and send in all additional information that needed to be submitted. We had several communications with him via phone, email and meeting in person. We were never informed of the status or that nothing had been paid along with our application, When we met with him he never informed us that any money would need to be submitted along with the application." Petitioner further states "We hired someone to do this so that it coul be done right and we apoligize that it was not. We would like to have our patent granted and taken out of this status."

Although the undersigned understands petitioner's issue, there is no showing that counsel misrepresented the true status of this application to petitioner, such that applicant was "unavoidably" prevented from taking more diligent action in this case. Moreover, the USPTO must rely on the action or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962).

While the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable, the showing of record is sufficient to establish that the entire delay in filing the petition was unintentional. Therefore, the discussion of the petition under 37 CFR 1.137(b) filed on October 25, 2010 is discussed below:

The petition under 37 CFR 1.137(b) is **dismissed**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (2).

The Office acknowledges receipt of $110 for the design filing fee, $50 for the design search fee, $70 for the design examination fee, $65 for the late filing surcharge, $270 for treatment of the petition under 37 CFR 1.137(a) and the $50 bounced check fee all submitted on August 23, 2010. The Office also acknowledges receipt of a terminal disclaimer and a check in the amount of $560 submitted on October 25, 2010. The terminal disclaimer fee of $70 has been deducted from the $560 leaving a balance of $490 to be applied towards the unintentional petition fee of $810. Therefore, the petition fee deficiency of $320 needs to be submitted before revival of the present application can occur.

Additionally, the declaration filed on October 25, 2010, is defective as the wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. Accordingly, a new oath or declaration must be submitted and must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. *See* §§ MPEP 602.01 and 602.02.

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 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

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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Gary L. Eastman
Gary L. Eastman, APLC
401 W. "A" Street, Suite 1785
San Diego, CA 92101

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Daniel Massaro, et. al.	:	
Application No. 29/312,942	:	ON PETITION
Filed: November 21, 2008	:	
Attorney Docket No. 1543-DP01	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 14, 2011, to revive the above-identified application.

In response to the decision mailed February 8, 2011, petitioner submits the present renewed petition along with the petition fee deficiency and an executed oath/declaration. Therefore, since the requirements of 37 CFR 1.137(b) have been met, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed October 25, 2010, has been accepted and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

This application file is being referred to the Office of Patent Application Processing for processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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6100 FAIRVIEW ROAD
CHARLOTTE NC 28210

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of	:	
Alan C. Lesesky et al.	:	
Application No. 29/313,032	:	NOTICE
Patent No. D,604,600	:	
Filed: December 02, 2008	:	
Attorney Docket No. **321/28**		

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent 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 **NOT ACCEPTED**.

It appears that the petition was not properly signed by a person having authority to prosecute in the above-identified patent. Therefore, the request can not be accepted at this time.

Petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the 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.

Accordingly, the request cannot be accepted until it is signed by all inventors, an attorney /agent who is registered to practice before the U.S. Patent and Trademark Office, or the assignee of the entire interest. If the request is signed by an assignee, the assignee the assignee must comply with the requirements of 37 CFR 3.73(b).

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110317

DATE : January 28, 2010

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D593472

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

Serial Number 29/313035.

/Caron D. Veynar/
Supervisory Patent Examiner, TC2900

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

GERARD F. DUNNE
SUITE 1223
156 FIFTH AVENUE
NEW YORK NY 10010

MAILED
SEP 17 2010
OFFICE OF PETITIONS

In re Application of	:	
Christian Van Heifner	:	
Application No. 29/313,140	:	DECISION ON PETITION
Filed: December 12, 2008	:	
Attorney Docket No. 583-256D	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance/Notice of Allowability mailed July 27, 2009, is accepted as having been unintentionally delayed.

The terminal disclaimer submitted on May 17, 2010 is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent and for review of the drawings submitted on December 24, 2009.

/KOC/
Karen Creasy
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.
29/313,258	12/19/2008	Robin L. Tiner	014149 D/DISPLAY/SOLAR/ES	4683

7590 09/13/2011
PATTERSON & SHERIDAN, LLP - - APPM/TX
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

EXAMINER
PALASIK, PATRICIA ANN

ART UNIT	PAPER NUMBER
2915	

MAIL DATE	DELIVERY MODE
09/13/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

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 13, 2011

PATTERSON & SHERIDAN, LLP - - APPM/TX
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON TX 77056

Re Application of
TINER, ROBIN L.
Application: **29/313258**
Filed: **12/19/2008**
Attorney Docket No: **014149 D/DISPLAY/SOLAR/ES**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 19, 2008. The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK, NY 10038

MAILED
AUG 2 6 2010
OFFICE OF PETITIONS

In re Application of Teper et al. :
Application No. 29/313,359 : Decision on Petition
Filing Date: December 30, 2008 :
Attorney Docket No. 17398 B-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 9, 2010, and supplemented March 11, 2010, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed November 17, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 18, 2010. A Notice of Abandonment was mailed on March 3, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(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 pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The petition is accompanied by payment for the required $430 issue fee and the required $810 petition fee. The petition states the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The petition is accompanied by a terminal disclaimer.

In view of the facts above, the petition satisfies the requirements set forth in 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
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

DONALD R. SCHOONOVER
4211 ROLLING HILLS DRIVE
NIXA MO 65714-8771

MAILED
NOV 09 2010
OFFICE OF PETITIONS

In re Application of	:	
Michael J. MCKERNAN	:	
Application No. 29/313,375	:	DECISION ON PETITION
Filed: December 31, 2008	:	TO WITHDRAW
Attorney Docket No. 2029758	:	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 October 21, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Donald Schoonover the sole attorney of record.

Attorney Donald Schoonover has been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address copied below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHAEL J. MCKERNAN
12449 TRAIL 4
SYLMAR CA 91342-5638

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/313,375	12/31/2008	Michael J. McKernan	2029758

CONFIRMATION NO. 7340

POWER OF ATTORNEY NOTICE

22824
DONALD R. SCHOONOVER
4211 ROLLING HILLS DRIVE
NIXA, MO 65714-8771

OC000000044370802

Date Mailed: 11/05/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/21/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101