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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

MAILED
APR 01 2011
OFFICE OF PETITIONS

In re Application of :
Richard D. Hunter :
Application No. 29/346,755 : ON PETITION
Filed: November 5, 2009 :
Attorney Docket No. 39676-209895 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 22, 2011, 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 December 27, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 27, 2010. Accordingly, the date of abandonment of this application is December 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) (4).

A terminal disclaimer and the $70 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.

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) 272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: RICHARD B. LAZARUS
BARNES & THORNBURG, LLP
750 17TH STREET NW
SUITE 900
WASHINGTON, DC 20006

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BARNES & THORNBURG, LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
Richard D. Hunter :
Application No. 29/346,755 : DECISION ON PETITION
Filed: November 5, 2009 :
Attorney Docket No. 39676-209895 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 2011, 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 December 27, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 27, 2010. Accordingly, the date of abandonment of this application is December 28, 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 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 drawings have been approved by the USPTO draftsperson.

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

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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Duane Morris LLP, IP Department (Boca Raton)
Suite 300
2700 North Military Trail
Boca Raton FL 33431-1808

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Patent No. D642799
Issued: August 9, 2011
Application No.: 29/346,858
Filed: November 6, 2009
Attorney Docket No: **8401-62**

NOTICE

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 the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Paper No.

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

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Yang et al.	:	
Application No. 29/346,936	:	DECISION ON RENEWED PETITION
Filed: November 9, 2009	:	PURSUANT TO 37 C.F.R.
Attorney Docket No.:	:	§ 1.182
85091(51529)	:	
Title: REAR COMBINATION LAMP	:	
FOR AUTOMOBILES	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.182 filed on June 14, 2010, requesting that the above-identified application, including two pages of specification, seven pages of drawings, and a four-page oath or declaration be accorded a filing date of November 9, 2009 as part of the original disclosure.

This renewed petition is **GRANTED.**

The application was deposited on November 9, 2009. However, on February 1, 2008, the Office of Data Management (ODM) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of a specification and drawings. The notice further indicated that the oath or declaration was missing, and set a two-month period of reply.

An original petition pursuant to 37 C.F.R. § 1.182 was filed on January 20, 2010, and was dismissed via the mailing of a decision on April 12, 2010. The decision on the original petition set forth, *in pertinent part*:

> Upon review of the record, the above-mentioned items have not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 9, 2009 included two pages of specification, seven pages of drawings, and a four-page oath or declaration, and these items were subsequently misplaced in the Office.
>
> Therefore, the application, including two pages of specification, seven pages of drawings, and a four-page oath or declaration, was complete on filing and entitled to a filing date of November 9, 2009 as part of the original disclosure.
>
> However, it does not appear that a copy of these items was included with this petition.
>
> It follows that there is no copy of the two pages of specification, seven pages of drawings, or a four-page oath or declaration to enter into the electronic file. Since it does not appear that a copy of these items was included with this petition, even if this petition were to be granted, the file would still be incomplete.
>
> Decision on the original petition, page 2.

With this renewed petition, duplicate copies of two pages of specification, seven pages of drawings, and a four-page oath or declaration has been provided.

The notice mailed November 20, 2009 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary.[1]

The Office of Patent Application Processing (OPAP) will be notified that the application should receive a filing date of November 9, 2009, using the original application papers filed on that date, as well as the two pages of specification, seven pages of drawings, and a four-page oath or declaration submitted on June 14, 2010, and it will be noted in Office records that two pages of specification, seven pages of drawings, and a four-page oath or declaration were present on filing.

1 Office records show that the $400 petition fee has not been charged to Petitioner's Deposit Account.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[2]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

2 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
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ALEXANDRIA, VA 22313-1450
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Zhaniya B. Ussen
545 8th Ave.
#401, B-513
New York NY 10018

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Ussen : DECISION ON PETITION
Application No. 29/347,004 :
Filed: August 24, 2009 :
For: UNFOLDABLE CABINET :

This decision is in response to the petition to revive under 37 CFR 1.137(a), filed February 1, 2011.

The application became abandoned August 14, 2010 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due (Notice) mailed May 13, 2010. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed August 30, 2010.

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(s) (3).

The instant petition fails to satisfy requirements (1) and (4) set forth above.

As to requirement (1), petitioner has failed to establish that the entire delay, from the time that a reply to the Notice was due until the filing of a grantable petition, has been unavoidable.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable." See, 37 CFR § 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 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). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden

of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

Petitioner asserts:

> "... the abandonment has been caused by my failure to timely pay the Issue Fee, which itself has been resulted from the "credit card denial". I don't know why it has been denied, as the bank is keep assuring me that there is no problem with my account or funds therein, I've been provided my telephone and fax number at the credit card payment form for USPTO, however, I have got no indication that the payment of the Issue Fee has not been processed until after I've received the Notice of Abandonment."

In accordance with 37 CFR 1.23(b), payment of a fee by credit card is subject to the Office's ability to collect the fee. In this instance, at the time that the authorization for charging of the fee, the Office was not able to collect the fee, resulting in the abandonment of the application.

Failure to submit the issue fee in a manner collectable by the Office is not deemed unavoidable.

Accordingly, the petition under 37 CFR 1.137(a) is hereby 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(a)." This is not a final agency decision.

As to requirement (4), the instant petition lacks the required terminal disclaimer (and fee). Any request for reconsideration must be accompanied by the required terminal disclaimer (and fee). See, enclosed.

ALTERNATE VENUE

Petitioner may wish to consider filing 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 the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee.

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 cannot make a statement that the delay was unintentional unless the entire delay, including 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 petitioner 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
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 matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Enclosures

UNITED STATES PATENT AND TRADEMARK OFFICE

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Zhaniya B. Ussen
545 8th Ave.
#401, B-513
New York NY 10018

MAILED
JUL 28 2011
OFFICE OF PETITIONS

In re Application of :
Ussen : DECISION ON PETITION
Application No. 29/347,004 :
Filed: August 24, 2009 :
For: UNFOLDABLE CABINET :

This decision is in response to the petition to revive renewed under 37 CFR 1.137(b), filed July 15, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Submission of the required petition fee is a prerequisite prior to treatment on the merits of any petition submitted pursuant to 37 CFR 1.137(b). The current petition fee is $810.00. The fee has not been submitted. It is noted that a credit card transaction in this regard was declined. Accordingly, a decision on the merits is not forthcoming at this time.

Any request for reconsideration of this decision must include 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

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

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
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Zhaniya B. Ussen
545 8th Ave.
#401, B-513
New York NY 10018

MAILED
OCT 06 2011
OFFICE OF PETITIONS

In re Application of :
Ussen : DECISION ON PETITION
Application No. 29/347,004 :
Filed: August 24, 2009 :
For: UNFOLDABLE CABINET :

This decision is in response to the renewed petition to revive under 37 CFR 1.137(b), filed September 27, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Submission of the required petition fee is a prerequisite prior to treatment on the merits of any petition submitted pursuant to 37 CFR 1.137(b). Effective September 26, 2011, the small entity fee required under 37 CFR 1.137(b) increased from $810.00 to $930.00 and the small entity terminal disclaimer fee increased from $70.00 to $80.00. To date, the Office has received $800.00 towards the petition fee and $80.00 for the required terminal disclaimer fee.

A decision on the merits of the instant petition is not forthcoming due to the absence of the total petition fee due at the time of submission of the petition.

Any request for reconsideration of this decision must include the remaining required petition fee due, currently $130.00.

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

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401 Dulany Street
Alexandria, VA 22314

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

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

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New York NY 10018

MAILED

NOV 21 2011

OFFICE OF PETITIONS

In re Application of
Ussen
Application No. 29/347,004
Filed: August 24, 2009
For: UNFOLDABLE CABINET

: DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 9, 2011.

The petition is **GRANTED**.

The application became abandoned August 14, 2010 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due (Notice) mailed May 13, 2010. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed August 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 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

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Zhaniya B. Ussen
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MAILED
MAY 18 2011
OFFICE OF PETITIONS

In re Application of :
Zhaniya B. Ussen :
Application No. 29/347,008 : ON PETITION
Filed: August 24, 2009 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(a), filed February 1, 2011, to revive the above-identified application.

The petition is **dismissed**.

The application was held abandoned for failure to file a reply to the Notice of Notice of Allowance and Fee(s) Due mailed on May 13, 2010. A Notice of Abandonment was mailed September 1, 2010.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee; (3) a showing to the satisfaction of the Director that the entire delay was unavoidable; 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 lack items (3) and (4).

With respect to item (3), 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).

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.

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).

Petitioner states "As indicated in the Notice of Abandonment as of 09/01/2010, the abandonment has been caused by my failure to timely pay the Issue Fee, which itself has been resulted from the "credit card denial". I don't know why it has been denied, as the bank is keep assuring me that there is no problem with my account or funds therein." However, a review of the record shows that petitioner did not provide any documentation (i.e., bank and/or credit statement, or etc.)[1], to show that the credit card in question had sufficient funds available to charge the necessary issue fee. Therefore, absent the necessary evidence to establish that the delay was unavoidable, the present petition cannot be granted at this time.

With respect to item (4), the Office acknowledges receipt of $270 for the petition to revive fee and $430 for payment of the issue fee filed on February 1, 2011. The Office also acknowledges receipt of five sheets of replacement drawings containing Figures 1-5 filed August 2, 2010. However, a Terminal Disclaimer and $70 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. For petitioner's convenience, a blank Terminal Disclaimer form accompanies this decision.

---

[1] Petitioner is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Petitioner should also note that he has an alternate remedy under the unintentional provisions of 37 CFR 1.137(b)[2], which does not require a showing of the delay in timely responding to the Notice of Allowance and Fee(s) Due mailed May 13, 2010. A petition under 37 CFR 1.137(b) must be accompanied by the $810 (small entity) petition fee. For petitioner's convenience, a courtesy copy of a Petition under 37 CFR 1.137(b) is enclosed with this decision.

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.

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

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P. O. Box 1450
Alexandria, VA 22313-1450

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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

Enclosures: Privacy Act Statement
Petition under 37 CFR 1.137(b) - Form No. PTO/SB/64
Terminal Disclaimer - Form No. PTO/SB/63

[2] 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 cannot make a statement that the delay was unintentional unless the entire delay, including 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 petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Zhaniya B. Ussen
545 8th Ave.
#401, B-513
New York, NY 10018

MAILED

AUG 04 2011

OFFICE OF PETITIONS

In re Application of :
Zhaniya B. Ussen :
Application No. 29/347,008 : ON PETITION
Filed: August 24, 2009 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed July 15, 2011, to revive the above-identified application.

In response to the decision under 37 CFR 1.137(a) mailed on May 18, 2011, petitioner submits the present petition under 37 CFR 1.137(b), along with a terminal disclaimer under 37 CFR 1.137(d) and required fees. Unfortunately, the present petition 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 lack items (2) and (4).

With regard to items (2) and (4), finance records show that the $810 petition fee and the $70 terminal disclaimer fee has not been submitted[1]. Therefore, revival of this application cannot occur until fees totaling $880 has been received.

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)" and must include the lacking items noted above. This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

[1] The credit card authorization filed on July 15, 2011, was declined.

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) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Zhaniya B. Ussen
545 8th Ave.
#401, B-513
New York, NY 10018

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of :
Zhaniya B. Ussen :
Application No. 29/347,008 : ON PETITION
Filed: August 24, 2009 :
Attorney Docket No. N/A :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 30, 2011, to revive the above-identified application.

In response to the decision mailed on August 4, 2011, petitioner submits the present renewed petition, a terminal disclaimer under 37 CFR 1.137(d) along with the $70 fee and $810 petition fee. Unfortunately, the present petition is again **dismissed**.

Effective September 26, 2011, the Terminal Disclaimer fee was increased from $70 to $80 and the petition to revive fee was increased from $810 to $930. Since petitioner submitted a credit card authorization in the amount of $880 on September 30, 2011, $80 has been applied towards the required Terminal Disclaimer fee, leaving a balance of $800 to be applied towards the $930 petition fee. Therefore, petitioner must submit the deficiency of $130 before revival of the above application can occur.

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)" and must include the lacking items noted above. 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) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Zhaniya B. Ussen
545 8th Ave.
#401, B-513
New York, NY 10018

MAILED
NOV 25 2011
OFFICE OF PETITIONS

In re Application of :
Zhaniya B. Ussen :
Application No. 29/347,008 : ON PETITION
Filed: August 24, 2009 :
Attorney Docket No. N/A :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 9, 2011, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of five (5) sheets of replacement drawings containing Figures 1-5; (2) the petition fee of $930; (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); therefore, the petition is hereby **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed September 30, 2011, 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

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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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of :
Puneet Nanda :
Application No. 29/347,040 : DECISION ON PETITION
Filed: September 2, 2009 :
Attorney Docket No. 55781-3500 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 8, 2011, to revive the above-identified design application.

The application became abandoned for failure to timely pay the issue fee on or before December 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 24, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 25, 2010. A Notice of Abandonment was mailed on January 10, 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 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.

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 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

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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RICHES MCKENZIE & HERBERT, LLP
SUITE 1800
2 BLOOR STREET EAST
TORONTO ON M4W 3J5 CA CANADA

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of :
James George Sheremeta et al :
Application No. 29/347,207 : ON PETITION
Filed: October 23, 2009 :
Attorney Docket No. D6809 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 17, 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 November 10, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on January 11, 2010.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAY 20 2011

OFFICE OF PETITIONS

MODIANO & ASSOCIATI
Via Meravigli, 16
MILAN 20123 IT ITALY

In re Application of :
Francescantonio MELARA : ON PETITION
Application No. 29/347,219 :
Filed: November 2, 2009 :
Atty. Docket No.: E048391/DOB/vpr :

This is a decision on the petition filed October 7, 2010 and resubmitted on February 18, 2010 to withdraw the holding of abandonment, that is being considered under 37 CFR 1.181 (no fee).

The petition is **GRANTED.**

The application was held abandoned for failure to reply in a timely manner to the Restriction Requirement mailed February 24, 2010, which set a shortened statutory period of reply of one (1) month or 30 days, whichever was longer. A Notice of Abandonment was mailed on September 21, 2010.

Petitioner asserts that a response to the non-final Office action was timely filed, along with a two (2) month extension of time on April 29, 2010.

A review of the file record indicates that a response and two (2) month's extension of time were filed with the Office on April 29, 2010. Accordingly, it is concluded that the response was timely filed.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 2915 for further processing of the filed Response.

for Ramesh Krishnamurthy

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

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MAY 27 2011

OFFICE OF PETITIONS

McDermid Turnbull & Associates
290 Lakeshore Road
Suite 206
Pointe-Claire H9S 4L3 CA CANADA

In re Application of :
Amiel Lapalme et al. :
Application No. 29/347,269 : DECISION ON PETITION
Filed: November 18, 2009 :
Attorney Docket No. **276-8** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 18, 2011, 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 May 16, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 16, 2011. Accordingly, the date of abandonment of this application is May 17, 2011.

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.

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
www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

MAILED

OCT 06 2010

OFFICE OF PETITIONS

In re Application:	:	
Tetsuro Kato	:	
Application No. 29/347,644	:	ON PETITION
Filed: March 25, 2010	:	
Attorney Docket No. 104-011D	:	

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.

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
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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE, SUITE 101
RESTON, VA 20191

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of
Tetsuro KATO
Application No. 29/347,761
Filed: May 20, 2010
Attorney Docket No. **104-012D**

NOTICE UNDER 37 CFR 1.28

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 the undersigned at (571) 272-7253.

/Monica A. Graves/
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

SEP 22 2011

OFFICE OF PETITIONS

MODIANO & ASSOCIATI
Via Meravigli, 16
MILAN 20123 IT ITALY

In re Application of	:	
Rosario DE SALVO	:	ON PETITION
Application No. 29/347,835	:	
Filed: June 21, 2010	:	
Atty. Docket No.: E049157/DOB/VPR	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 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 mailing 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 of Allowability mailed May 2, 2011, which set a statutory period for reply of three (3) months. The application became abandoned August 3, 2011. A Notice of Abandonment was mailed August 15, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the 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). The present petition lacks item (4).

Regarding item (4), the submitted terminal disclaimer is inappropriate as it is signed by an attorney not of record. In addition, a declaration under 37 CFR 3.73(b) has not been submitted.

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

Application No. 29/347,835

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

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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DEC 05 2011

OFFICE OF PETITIONS

MODIANO & ASSOCIATI
Via Meravigli, 16
MILAN 20123 IT ITALY

In re Application of :
Rosario DE SALVO : ON PETITION
Application No. 29/347,835 :
Filed: June 21, 2010 :
Atty. Docket No.: E049157/DOB/VPR :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowability mailed May 2, 2011, which set a statutory period for reply of three (3) months. The application became abandoned August 3, 2011. A Notice of Abandonment was mailed August 15, 2011.

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 in accordance with the Notice mailed May 2, 2011, (2) a petition fee of $810, (3) a statement of unintentional delay, and (4) 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 being unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Data Management for further processing.

Robert DeWitty
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/348,084	11/25/2009	Han Kyu Rhee	DE1916DES	6447

7590 03/08/2011

David A. Einhorn, Esq.
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111

EXAMINER	
CLARK, DORIS	

ART UNIT	PAPER NUMBER
2914	

NOTIFICATION DATE	DELIVERY MODE
03/08/2011	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
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P.O. Box 1450
Alexandria, VA 22313-1450
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March 4, 2011

David A. Einhorn, Esq.
Baker & Hostetler LLP
45 Rockefeller Plaza
New York NY 10111

In re Application of	:	
Rhee, Han Kyu	:	**DECISION ON PETITION**
Application No. 29/348,084	:	
Filed: 11/25/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. DE1916DES	:	***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 25, 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 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
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MAILED

MAR 28 2011

OFFICE OF PETITIONS

Mr. Basil E. Demeur
7369 W. North Avenue
River Forest, Illinois 60305

In re Application of	:	
Jack BOOK	:	DECISION GRANTING PETITION
Application No. 29/348,102	:	UNDER 37 CFR 1.137(b)
Filed: 30 November 2009	:	
Atty. Docket No.: 3171-2	:	

This is a decision on the petition under 37 CFR 1.137(b), filed 3 January 2011, to revive the above-identified application ("Application").

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mailing 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 of Allowability for a Design Application mailed 12 August 2010 ("Notice"), which set a statutory period for reply of three (3) months. The application thus became abandoned on 13 November 2010, with notification mailed 7 December 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the 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). The present petition lacks item (1), (3), and (4).

In regard to item (1), each of the drawing sheets submitted concurrently with the instant petition lack the label "Replacement Sheet," as required by 37 CFR 1.121(d). In regard to item (3), the instant petition fails to include a signed statement required by 37 CFR 1.137(b)(3). In regard to item (4), petitioner should submit a properly signed Terminal

Disclaimer along with the fee required. A copy of the form PTO/SB/63 accompanies this decision 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 hand: U. S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

General inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).

Rajnesh Krishnamurthy

for David Bucci
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclosure Form PTO/SB/63

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 08 2011

OFFICE OF PETITIONS

Mr. Basil E. Demeur
7369 W. North Avenue
River Forest, Illinois 60305

In re Application of	:	
Jack BOOK	:	DECISION DISMISSING PETITION
Application No. 29/348,102	:	UNDER 37 CFR 1.137(b)
Filed: 30 November 2009	:	
Atty. Docket No.: 3171-2	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 11, 2011, to revive the above-identified application ("Application").

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mailing 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 of Allowability for a Design Application mailed 12 August 2010 ("Notice"), which set a statutory period for reply of three (3) months. The application thus became abandoned on 13 November 2010, with notification mailed 7 December 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the 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). The present petition lacks item (4).

The terminal disclaimer submitted with the instant petition is disapproved because it fails to identify the owner and the extent of ownership interest in the application. *See*, 37 CFR 1.321.

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

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

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

for David Bucci
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclosure Form PTO/SB/63

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Basil E. Demeur
7369 W. North Avenue
River Forest, Illinois 60305

MAILED
JUL 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Jack BOOK	:	DECISION GRANTING PETITION
Application No. 29/348,102	:	UNDER 37 CFR 1.137(b)
Filed: 30 November 2009	:	
Atty. Docket No.: 3171-2	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 13, 2011, to revive the above-identified application ("Application").

The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to the Notice of Allowability for a Design Application mailed 12 August 2010 ("Notice"), which set a statutory period for reply of three (3) months. The application thus became abandoned on 13 November 2010, with notification mailed 7 December 2010.

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, (2) a petition fee of $810, and (3) a statement of unintentional delay, and (4) 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.

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 further processing.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Morland C. Fischer
Suite 1300
2030 Main Street
Irvine CA 92614

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of
Kevin L. Corcoran et al.
Application No. 29/348,164
Filed: December 4, 2009
Attorney Docket No. **ELL-119**

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 13, 2010, to revive the above-identified application.

The petition is hereby **DISMISSED**.

The application became abandoned for failure to submit formal drawings on or before November 3, 2010, as required by the Notice of Allowability, mailed August 3, 2010. Accordingly, this application became abandoned on November 4, 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).

As to Item 4

The Revocation of Power of Attorney submitted with the petition on December 13, 2010, was not accepted on December 23, 2010, due to the reason that the Certificate under 37 CFR 3.73(b) was not received. Accordingly, since the Power of Attorney is not accepted the terminal disclaimer filed concurrently with the instant petition can not been approved at this time, it is considered as not been signed by a person having power of attorney or by an authorized agent who has power to prosecute the application. 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 with a new terminal disclaimer.

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/
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

Morland C. Fischer
Suite 1300
2030 Main Street
Irvine CA 92614

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Kevin L. Corcoran et al. :
Application No. 29/348,164 : ON PETITION
Filed: December 4, 2009 :
Attorney Docket No. **ELL-119** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 28, 2011, to revive the above-identified application.

The petition is hereby **DISMISSED**.

The application became abandoned for failure to submit formal drawings on or before November 3, 2010, as required by the Notice of Allowability, mailed August 3, 2010. Accordingly, this application became abandoned on November 4, 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).

As to Item 4

Petitioner still has not met the requirements under 37 CFR 3.73(b). The Revocation of Power of Attorney submitted with the instant petition on February 28, 2011, was not accepted on March 14, 2011, due to the reason that the Certificate under 37 CFR 3.73(b) was not received. Accordingly, since the Power of Attorney is not accepted the terminal disclaimer filed concurrently with the instant petition can not been approved at this time, it is considered as not been signed by a person having power of attorney or by an authorized agent who has power to prosecute the application. 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 with a new terminal disclaimer. A blank copy of the Statement under 37 CFR 3.73(b) is enclosed for petitioner use.

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/
JoAnne Burke
Petitions Examiner
Office of Petitions

Enclosure: Blank Statement under 37 CFR 3.73(b)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Morland C. Fischer
Suite 1300
2030 Main Street
Irvine CA 92614

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of :
Kevin L. Corcoran et al. :
Application No. 29/348,164 : ON PETITION
Filed: December 4, 2009 :
Attorney Docket No. **ELL-119** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 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 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 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
www.uspto.gov

MORLAND C FISCHER
SUITE 1300
2030 MAIN STREET
IRVINE CA 92614

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Kevin L. Corcoran	:	
Application No. 29/348,165	:	DECISION ON PETITION
Filed: December 4, 2009	:	
Attorney Docket No. ELL-120	:	

This is in response to the petition to revive the above-identified application under 37 CFR 1.137(b), filed December 1, 2010.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to timely file corrected drawings in response to the Notice of Allowability, mailed July 19, 2010. This Notice set a statutory period for reply of three (3) months. No drawings having been received, the application became abandoned on October 20, 2010. The Office mailed a Notice of Abandonment on November 1, 2010.

With the instant petition, petitioner has paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of corrected drawings.

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

MICHAEL NOEL
C/O PEARCE & DURICK
SUITE 300
314 EAST THAYER AVENUE
BISMARCK, ND 58501

MAILED

DEC 0 2 2010

OFFICE OF PETITIONS

In re Application of
Michael D. Noel
Application No. 29/348,233
Filed: December 11, 2009
Attorney Docket No.: None

ON PETITION

This is a decision in response to the petition, filed October 18, 2010, to revive the above-identified design application under 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for a failure to timely pay the issue fee on or before July 6, 2010, as required by the Notice of Allowance and Fee(s) Due mailed April 5, 2010. A Notice of Abandonment was mailed July 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 the issue fee of $430, (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 October 18, 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 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.

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
www.uspto.gov

David A. Frijouf
201 East Davis Boulevard
Tampa FL 33606

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of :
Derek S. Chesser :
Application No.: 29/348357 : ON PETITION
Filing or 371(c) Date: 12/22/2009 :
Title of Invention: :
BUCKET :

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 July 28, 2010.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application 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." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed February 22, 2010. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on May 23, 2010. A Notice of Abandonment was mailed June 16, 2010.

The present petition

Applicant files the present petition and issue fee in response to the Notice; however, no Terminal Disclaimer has been filed.

Applicable Law, Rules and MPEP

A petition to revive an abandoned application on the grounds that the failure to reply was unintentional (37 CFR 1.137(b)) must be accompanied by: (1) the required reply; (2) 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; (3) any terminal disclaimer

required pursuant to 37 CFR 1.137(d) (see above discussion); and (4) the petition fee as set forth in 37 CFR 1.17(m). Applicant lacks items (1) and (3).

Analysis

As to item (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." Enclosed please find a PTO/SB/64, Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), wherein item 4 includes the required statement.

As to item (3), a terminal disclaimer and the terminal disclaimer fee are 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.

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 $140 ($70 if small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b). Also enclosed please find a PTO/SB/63, Terminal Disclaimed to Accompany Petition.

Conclusion

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include the required statement and terminal disclaimer[1].

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

By mail: Director for Patents
PO 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

[1] A renewed petition does not require a petition fee; however, any extensions of time to file any renewed petition are governed by 37 CFR 1.136(a).

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

/D LW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Terminal Disclaimer Form
Form for Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)

UNITED STATES 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 A. Frijouf
201 East Davis Boulevard
Tampa FL 33606

MAILED

MAR 10 2011

OFFICE OF PETITIONS

In re Application of :
Derek S. Chesser :
Application No.: 29/348357 : ON PETITION
Filing or 371(c) Date: 12/22/2009 :
Title of Invention: :
BUCKET :

This is a decision on the renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed January 18, 2011.

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, mailed February 22, 2010. The Notice(s) set a non-extendable three (3) month period for reply. No complete and proper reply having been received, the application became abandoned on May 23, 2010.

The renewed 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 on July 28, 2010); (2) the petition fee (filed on July 28, 2010), (3) a proper statement of unintentional delay (filed on July 28 2010), 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 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 any 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.

/D LW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Harrington & Harrington
P.O. Box 91719
LONG BEACH CA 90809-1719

In re Application of
IWAMA, TAMOTSU
Application No. 29/348,395
Filed: December 28, 2009
Attorney Docket No. KIYO-52

NOV 17 2010

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding of Abandonment, received in the United States Patent and Trademark Office (USPTO) on October 18, 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 above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed July 9, 2010. The Notice of Abandonment, mailed on October 22, 2010.

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)

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to § 1.957(a), the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence certificate; and

(3) Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

- 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

Harrington & Harrington
P.O. Box 91719
LONG BEACH CA 90809-1719

MAILED

JAN 19 2011

OFFICE OF
DATA MANAGEMENT

In re Application of :
Tamotsu Iwama :
Application No. 29/348,395 :
Filed: 12/28/2009 :
Attorney Docket No. **KIYO-52** :

DECISION ON PETITION

This is a decision on the Renewed Petition to Withdraw Holding of Abandonment under 37 CFR 1.6, 1.181 and MPEP 711.03 (c) received in the United States Patent and Trademark Office (USPTO) on December 1, 2010. This Petition is being treated as a Request to reconsider the Petition Decision of November 17, 2010.

The previous Decision has been reconsidered. The Petition filed on October 18, 2010 is **GRANTED**.

The application was held abandoned for failure to timely pay the required issue fee within the statutory period as required by and within the three-month period set in, the Notice of Allowance mailed June 25, 2010. The issue fee payment was not received within the time period for response. Therefore, the application was **properly** held abandoned and the Notice of Abandonment was mailed on October 22, 2010.

Petitioner states that a single package was mailed to the USPTO on September 7, 2010 that contained three envelopes with correspondence for three different applications. One of the envelopes contained the issue fee payment for this application.

Petitioner provides evidence that the express mail package was received and one of the three items was acknowledged. It is quite plausible to imagine that this item, being in a larger envelope, was removed from the express mail pouch and the smaller items were not recognized.

In the event that correspondence is considered timely filed by be mailed, but not received in the U.S. Patent and Trademark Office, the correspondence will be considered timely if the party who forwarded such correspondence:

Promptly informs the Office of the previous mailing after becoming aware that the Office has no evidence of receipt;
Supplies an additional copy of the previously mailed correspondence certificate; and
Includes a statement that attests on a personal basis to the previous timely mailing.

Petitioner has fulfilled all three requirements, therefore the application is returned to pending status. The Office of Data Management will process the application in preparation for the assignment of a patent number and issue date.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Kimberly Terrell, Manager
Office of Data Management
Patent Publication 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

ED HEARD
C/O IRONHORSE TRAILERS
5638 MANCHESTER HIGHWAY
MORRISON, TN 37357

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Edwin Lamar Heard :
Application No. 29/348,405 : ON PETITION
Filed: December 31, 2009 :
Attorney Docket No. None :

This is in response to the communication, filed December 9, 2010, to revive the above-identified application, which is being treated under 37 1.181 (no fee) as a petition to withdraw the holding of abandonment.

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).

On January 25, 2010, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice), which set a two month shortened statutory period to reply. The application became abandoned on March 26, 2010, for failure to submit a timely response to the Notice. On October 13, 2010, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the Notice to File Missing Parts of Nonprovisional Application. Specifically, petitioner states that the Notice mailed January 25, 2010, was not received. Petitioner also asserts that the fees were submitted as indicated on the post card receipt which lists the Fee Transmittal Form and Credit Card Payment Form – Basic File and Search Exam Fees.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates that while the Office of Patent Application Processing did in fact receive the Credit Card Payment Form for the appropriate fees. An internal Office document indicates that on January 5, 2010, the credit card was denied. Further review of the record indicates no irregularity in the mailing of the Notice and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the Notice of January 25, 2010, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after January 25, 2010, to demonstrate nonreceipt of the Notice. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Notice had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Notice, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after January 25, 2010; the period when he would have received the Notice.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the Notice. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the Notice accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;
>
> (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. The Director may require additional information where there is a question whether the delay was unintentional.
>
> (4) A terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) of $70 if small entity) is required by 37 CFR 1.137(d) since the above-identified application is a design application.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed forms (PTO/SB/64), (PTO/SB/63), pay the $810.00 petition fee and the $70 terminal disclaimer fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries related to this decision may be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosures: Copy of Notice to File Missing Parts of Nonprovisional Application,
Petition For Revival Of An Application For Patent Abandoned Unintentionally Under CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement,
Terminal Disclaimer To Accompany Petition; Form PTO/SB/63

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
29/348,405	12/31/2009	Edwin Lamar Heard	

CONFIRMATION NO. 1206

Ed Heard
c/o Ironhorse Trailers
5638 Manchester Highway
Morrison, TN 37357

FORMALITIES LETTER

OC000000039752665

Date Mailed: 01/25/2010

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  *Applicant must submit $**110** to complete the basic filing fee for a small entity.*

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **$65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$295** for a small entity

- **$110** Statutory basic filing fee.
- **$65** Surcharge.
- The application search fee has not been paid. Applicant must submit **$50** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **$70** to complete the examination fee for a small entity in compliance with 37 CFR 1.27.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/anguyen/

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

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

ED HEARD C/O IRONHORSE TRAILERS
5638 MANCHESTER HIGHWAY
MORRISON, TN 37357

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Edwin Lamar Heard	:	
Application No. 29/348,405	:	DECISION ON PETITION
Filed: December 31, 2009	:	
Attorney Docket No. None	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 16, 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 to File Missing Parts of Nonprovisional Application (Notice), mailed January 25, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 26, 2010. A Notice of Abandonment was mailed October 13, 2010.

The present petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the the basic filing fee, search fee, examination fee and surcharge of $65, (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 March 16, 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.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000

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

Jian Chen
1200 Pine St
Palo Alto CA 94301

MAILED

MAR 11 2011

OFFICE OF PETITIONS

In re Application of :
CHEN, CHYI :
Application No. 29/348,445 : DECISION ON PETITION
Filed: 01/06/2010 :
Attorney Docket No. 0102/1000US1 :

This is a decision on the petition filed February 7, 2011, which is being treated as a 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)." No additional petition fee is necessary.

This application became abandoned for failure to submit corrected drawings as required by the Notice of Allowability mailed on October 12, 2010, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on January 13, 2011. A Notice of Abandonment was mailed on January 26, 2011.

The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 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 as set forth in 37 CFR 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. 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 § 1.20(d)) required pursuant to § 1.137(d).

The present petition does not satisfy requirement (4) above.

A terminal disclaimer and the terminal disclaimer fee are required under 37 CFR 1.137(d) if the application is a design application. 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.

Accordingly, any renewed petition to revive must be accompanied by a terminal disclaimer and fee, dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. See 37 CFR 1.137(d)(1).

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

Correspondence may also be submitted electronically via EFS-Web.

Telephone inquiries related to this decision may 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

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

Jian Chen
1200 Pine St
Palo Alto CA 94301

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of :
CHEN, CHYI :
Application No. 29/348,445 : DECISION ON PETITION
Filed: 01/06/2010 :
Attorney Docket No. 0102/1000US1 :

This is a decision on the renewed petition under 37 CFR 1.137(b) filed May 27, 2011, to revive the above-identified application.

This application became abandoned for failure to submit corrected drawings as required by the Notice of Allowability mailed on October 12, 2010, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on January 13, 2011. A Notice of Abandonment was mailed on January 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required 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). The terminal disclaimer is accepted and has been made of record. Accordingly, the petition under 37 CFR 1.137(b) is **GRANTED**.

The application is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries concerning 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

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

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

MAILED

NOV 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Beach et al.	:	
Application No. 29/348,515	:	DECISION ON PETITION
Filed: January 14, 2010	:	
Attorney Docket No. 1297-024.101	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 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 September 24, 2010, as required by the Notice of Allowance and Fee(s) Due mailed June 24, 2010. Accordingly, the date of abandonment of this application is September 25, 2010. A Notice of Abandonment was mailed October 7, 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 $430.00, (2) the petition fee of $810.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $70.00.

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.

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.

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

LAMBERT & ASSOCIATES
92 STATE STREET
BOSTON MA 02109-2004

MAILED
FEB 02 2011
OFFICE OF PETITIONS

In re Application of :
Brogan, et al. :
Application No. 29/348,526 : DECISION ON PETITION
Filed: January 15, 2010 :
Attorney Docket No. 10-003-LB :
For: CAR-SHAPED JUICE CONTAINER

This is a decision on the petition under the unavoidable standard of 37 CFR 1.137(a), filed December 7, 2010, to revive the above-identified application.

The petition is **DISMISSED.**

Any further petition to revive 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(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

This application became abandoned for failure to timely submit corrected drawings in response to the Notice of Allowability, mailed August 6, 2010, which set a non-extendable three month period for reply. The application became abandoned on November 7, 2010. A Notice of Abandonment was mailed on December 3, 2010.

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 items (1), (3), and (4).

With respect to (1) above: the undersigned has consulted with the examiner of record and she has indicated that, although petitioner has overcome the drawing inconsistency, the overall quality of the drawings has deteriorated. Please submit better quality copies of the drawings.

With respect to (3) above: 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.

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).

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a).

Petitioners assert that the corrected drawings were timely filed on August 16, 2010. It is noted that a Notice of Allowance was mailed on August 6, 2010 for Application No. 29/348,526 and for Application No. 29/348,094. Corrected drawings were required for the present application, not for Application No. 29/348,094. Petitioners assert the corrected drawings were mistakenly filed with Application No. 29/348,094.

It appears that petitioners mailed papers intended for Application No. 29/348,094 and the present application in the same envelope. If this were not the case, the drawings would not have been matched with Application No. 29/348,094.

Petitioners' attention is drawn to 37 CFR 1.84(c), which pertains to identification of drawings.

> Identifying indicia should be provided, and if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any)

> if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet within the top margin. Each drawing sheet submitted after the filing date of an application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to § 1.121(d). If a marked-up copy of any amended drawing figure including annotations indicating the changes made is filed, such marked-up copy must be clearly labeled as "Annotated Sheet" pursuant to § 1.121(d)(1).

MPEP 502 states, in pertinent part, "... When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing sheet submitted after the filing date of the application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d)."

The sheets that were placed in Application No. 12/348,094 lacked any identifying indicia.

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891). A reasonable and prudent person, when filing drawings, would have provided identifying indicia for each sheet of drawings in accordance with the patent rule.

With respect to (4) above: 37 CFR 1.137(d)(1) requires that a petition under 37 CFR 1.137(a) be accompanied by a terminal disclaimer and fee in a design application, regardless of the design application's filing date. As this application is a design application, petitioners are required to submit a terminal disclaimer and required fee.

The petition under 37 CFR 1.137(a) is dismissed.

The undersigned suggests that petitioners 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 the 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 cannot make a statement that the delay was unintentional unless the entire delay, including 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 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
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 decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAMBERT & ASSOCIATES
92 STATE STREET
BOSTON MA 02109-2004

MAILED
APR 13 2011
OFFICE OF PETITIONS

In re Application of :
Brogan, et al. :
Application No. 29/348,526 : DECISION ON PETITION
Filed: January 15, 2010 :
Attorney Docket No. 10-003-LB :
For: CAR-SHAPED JUICE CONTAINER

This is a decision on the petition under the unintentional delay standard of 37 CFR 1.137(b), filed February 22, 2011 and supplemented on February 28, 2011, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely submit corrected drawings in response to the Notice of Allowability, mailed August 6, 2010, which set a non-extendable three month period for reply. The application became abandoned on November 7, 2010. A Notice of Abandonment was mailed on December 3, 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 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 February 22, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHANON KETCHERSID
P.O. BOX 74
WHITWELL, TN 37397

MAILED

DEC 16 2010

OFFICE OF PETITIONS

In re Application of
Shanon Frank Ketchersid
Application No. 29/348,545
Filed: January 19, 2010
Attorney Docket No. None

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 29, 2010, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue fee and corrected formal drawings on or before September 28, 2010, as required by the Notice of Allowability For A Design Application and the Notice of Allowance and Fee(s) Due mailed June 28, 2010, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on September 29, 2010. A Notice of Abandonment was mailed October 11, 2010.

This 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 (previously submitted on September 29, 2010) and replacement drawings, (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 29, 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

Harrington & Harrington
P.O. Box 91719
LONG BEACH CA 90809-1719

In re Application of
IWAMA, TAMOTSU
Application No. 29/348,572
Filed: January 19, 2010
Attorney Docket No. KIYO-53

NOV 18 2010

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding of Abandonment, received in the United States Patent and Trademark Office (USPTO) on October 19, 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 above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed June 25, 2010. The Notice of Abandonment, mailed on October 8, 2010.

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)

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to § 1.957(a), the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence certificate; and

(3) Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

- 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

MAILED

JAN 19 2011

OFFICE OF
DATA MANAGEMENT

Harrington & Harrington
P.O. Box 91719
LONG BEACH CA 90809-1719

In re Application of :
Tamotsu Iwama :
Application No. 29/348,572 :
Filed: 01/19/2010 :
Attorney Docket No. **KIYO-53** :

DECISION ON PETITION

This is a decision on the Renewed Petition to Withdraw Holding of Abandonment under 37 CFR 1.6, 1.181 and MPEP 711.03 (c) received in the United States Patent and Trademark Office (USPTO) on December 1, 2010. This Petition is being treated as a Request to reconsider the Petition Decision of November 18, 2010.

The previous Decision has been reconsidered. The Petition filed on October 19, 2010 is **GRANTED**.

The application was held abandoned for failure to timely pay the required issue fee within the statutory period as required by and within the three-month period set in, the Notice of Allowance mailed June 25, 2010. The issue fee payment was not received within the time period for response. Therefore, the application was **properly** held abandoned and the Notice of Abandonment was mailed on October 8, 2010.

Petitioner states that a single package was mailed to the USPTO on September 7, 2010 that contained three envelopes with correspondence for three different applications. One of the envelopes contained the issue fee payment for this application.

Petitioner provides evidence that the express mail package was received and one of the three items was acknowledged. It is quite plausible to imagine that this item, being in a larger envelope, was removed from the express mail pouch and the smaller items were not recognized.

In the event that correspondence is considered timely filed by be mailed, but not received in the U.S. Patent and Trademark Office, the correspondence will be considered timely if the party who forwarded such correspondence:

Promptly informs the Office of the previous mailing after becoming aware that the Office has no evidence of receipt;
Supplies an additional copy of the previously mailed correspondence certificate; and
Includes a statement that attests on a personal basis to the previous timely mailing.

Petitioner has fulfilled all three requirements, therefore the application is returned to pending status. The Office of Data Management will process the application in preparation for the assignment of a patent number and issue date.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Kimberly Terrell, Manager
Office of Data Management
Patent Publication 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

JOHN F. VODOPIA
191 NEW YORK AVE
HUNTINGON NY 11743

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
Robert Sicurelli :
Application No. 29/348,636 : DECISION ON PETITION
Filed: January 25, 2010 :
Attorney Docket No. V0081 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 22, 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 October 22, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 22, 2010. Accordingly, the date of abandonment of this application is October 23, 2010. A Notice of Abandonment was mailed November 5, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(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 (form enclosed) and small entity $70.00 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.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
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

JOHN F. VODOPIA
191 NEW YORK AVE
HUNTINGON NY 11743

MAILED

FEB 10 2011

OFFICE OF PETITIONS

In re Application of :
Robert Sicurelli :
Application No. 29/348,636 : DECISION ON PETITION
Filed: January 25, 2010 :
Attorney Docket No. V0081 :

This is a decision on the renewed 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**.

This application became abandoned for failure to timely submit Corrected Drawings on or before October 22, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 22, 2010. Accordingly, the date of abandonment of this application is October 23, 2010. A Notice of Abandonment was mailed November 5, 2010.

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 (previously paid November 22, 2010), (3) a proper statement of unintentional delay, and (4) a Terminal Disclaimer and required $70.00 fee.

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 with the instant petition.

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

Paper No.

Peter A. Shaddock II
Suite 201
501 Independence Parkway
Chesapeake VA 23320

MAILED

FEB 16 2011

OFFICE OF PETITIONS

In re Application of :
Clifton Cook, Thomas Gregory :
Robert Kincaid, Kurtis Sparing:
Eric Yeates, Birten Todd :
Gary Cauble and James Bentley : DECISION REFUSING STATUS
Application No. 29/348,638 : UNDER 37 CFR 1.47(a)
Filed: January 25, 2010 :
Attorney Docket No. 729-376 :

This is in response to the "STATEMENT AND PETITION REGARDING INABILITY TO LOCATE JOINT INVENTOR TO SIGN DECLARATION," filed September 20, 2010.

The petition is **DISMISSED**.

Payment of the petition fee of $200 is required for consideration of this petition. Applicants have only submitted $130. There is no authorization to charge any deficiency to a Deposit Account. In view thereof the petition must be dismissed.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

Petitioner is reminded that: A grantable petition under 37 C.F.R. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or

refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Specifically, petitioner is reminded that where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in thestatement of facts. It is important that the statement contain facts as opposed to conclusions. Applicant may wish to review the petition to ensure that it contains the facts relied on (including supporting documentary evidence) and not merely conclusions.

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
ATTN: NANCY JOHNSON

By hand:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may 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

Paper No.

Peter A. Shaddock II
Suite 201
501 Independence Parkway
Chesapeake VA 23320

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :
Clifton Cook, Thomas Gregory :
Robert Kincaid, Kurtis Sparing: DECISION NOTING JOINDER
Eric Yeates, Birten Todd : OF INVENTOR AND PETITION
Gary Cauble and James Bentley : UNDER 37 CFR 1.47(a) MOOT
Application No. 29/348,638 :
Filed: January 25, 2010 :
Attorney Docket No. 729-376 :

This is in response to the REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. §1.47(A) filed April 18, 2011. Receipt of the $70 fee due for deficiency in payment of the fee with the initial petition is acknowledged.

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on January 25, 2010, without an executed oath or declaration. In response to the Notice to File Missing Parts of Nonprovisional Application mailed February 19, 2010, applicants filed the initial petition. By decision mailed February 16, 2011, the petition was dismissed for failure to submit the full petition fee of $200. Applicants failed to submit adequate proof of the unavailability of inventor Brown. In addition, the declaration for patent submitted was not in compliance with 37 CFR §§ 1.47, and 1.63.

On instant renewed petition, applicants submitted the balance of the petition fee due ($70) and five declarations executed, in combination, by all of the joint inventors (Cook, Gregory, Kincaid, Sparing, Yeates, Todd, Cauble and Bentley), including previously non-signing inventor Sparing. These declarations have been reviewed and found in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application will be examined in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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MAILED

APR 07 2011

OFFICE OF PETITIONS

ABELMAN FRAYNE & SCHWAB
666 THIRD AVENUE 10TH FLOOR
NEW YORK NY 10017

In re Application of :
Camilla Skovgaard :
Application No. 29/348,652 : ON PETITION
Filed: January 25, 2010 :
Attorney Docket No. 210,601 :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed March 14, 2011.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition under 37 CFR 1.137(a).

The above-identified application became abandoned for failure to timely file a proper reply to the Notice to File Missing Parts, mailed February 19, 2010. This Notice set an extendable period for reply of two (2) months for applicant to submit an executed oath or declaration together with the surcharge for its late filing. Applicant filed the surcharge and an executed declaration on March 4, 2010. However, the declaration was not proper as it was directed to another application. As such, the

Office mailed a Notice of Incomplete Reply on March 24, 2010. This Notice did not set a new period for reply, but notified Applicant that the period for reply would continue to run from the mail date of the February 19, 2010 Notice to File Missing Parts. Applicant filed another executed declaration on April 6, 2010, but once again it was improperly directed to another application. Accordingly, the Office mailed a Notice of Incomplete Reply on April 21, 2010. As no proper declaration was received (within 2 months from the February 19, 2010 Notice, or with an extension of time), the application became abandoned by operation of law on April 20, 2010. The Office mailed a Notice of Abandonment on February 16, 2011.

Applicant filed the instant petition on March 14, 2011, asserting that the delay was unavoidable because applicant did not receive the April 21, 2010 Notice of Incomplete Reply.

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 Commissioner 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(c). The instant petition has not satisfied requirements (3) above.

With respect to item (3), 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.[1]

Moreover, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."[2]

Applicant argues thats he did not receive the Notice of Incomplete Reply mailed April 21, 2010.

However, whether or not applicant received the Notice of Incomplete Reply is immaterial. That Notice did not set a period for reply, but was merely mailed as a courtesy to applicant. Any petition seeking to establish unavoidable delay must show why applicant was unavoidably prevented from filing a proper reply to the February 19, 2010 Notice to File Missing Parts (i.e. why applicant did not file an oath or declaration directed to the instant application).

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is **not** precluded from obtaining relief by filing a request for reconsideration pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 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 as set forth in 37 CFR 1.17(m), currently $810 for a small entity; (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 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

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

By mail: Mail Stop Petitions
Commissioner for Patents

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[1] 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).

[2] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

P.O. Box 1450
Alexandria VA 22313-1450

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

Telephone inquiries related to 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

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of :
Camilla SKOVGAARD :
Application No. 29/348,652 : ON PETITION
Filed: January 25, 2010 :
Attorney Docket No. 210,601 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 18, 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 to File Missing Parts of Nonprovisional Application (Notice), mailed February 19, 2010. 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 April 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 a signed declaration, filed March 14, 2011 and required fees, filed March 4, 2010; (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), filed March 14, 2011.

The terminal disclaimer is accepted and has been made of record.

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

Application No. 29/348,652

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 Andre Boyce at (571) 272-6726, or in his absence, the undersigned at (571) 272-7099.

The application is being referred to the Office of Patent Application Processing.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHRISTOPHER JOHN RUDY
209 HURON AVENUE, SUITE 8
PORT HURON, MI 48060

MAILED

JAN 28 2011

OFFICE OF PETITIONS

In re Application of :
Henry James Jones :
Application No. 29/348,879 : ON PETITION
Filed: February 18,2010 :
Attorney Docket No. HANDLE-808D1 :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed August 17, 2010, to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to respond to the Notice of Allowance and Fee(s) Due mailed May 4, 2010. A Notice of Abandonment was mailed on August 17, 2010.

Petitioner states "...since the drawings (FIGS. 1-8) admittedly satisfy 37 CFR 1.152, FIGS. 1-8 themselves contain a sufficient number of views to constitute a complete disclosure of the appearance of the design. And so, a FIG. 9 may be desirable in the personal view of the Examiner, but it was and is unnecessary under the rules."

A review of the record shows that a Notice of Allowance and Fee(s) Due/Notice of Allowability for Design Application was mailed on May 4, 2010, setting a non-extendable three months time period in which to submit the required $430 for payment of the issue fee and corrected drawings. On May 10, 2010, petitioner submitted $430 for payment of the issue fee. On August 17, 2010, the present petition was filed to instruct the examiner to withdraw the requirement for drawings. Since corrected drawings were not filed within three months of the mail date of the Notice, this application was properly held abandoned.

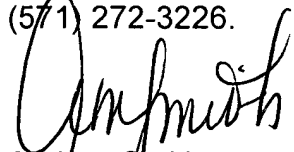
If petitioner thought the Notice of Allowability (Notice) mailed on May 4, 2010, was issued in error, a response should have been timely submitted within three months from the mail date of the Notice, which would have tolled the period for reply and the application would not be abandoned. Petitioner should not have allowed the three months period for reply to expire. Even though the record shows that a petition was filed on August 17, 2010, petitioner

needed to file this petition before the end of the statutory period for reply[1]. Therefore, petitioner's argument is not persuasive.

In view of the above, the present petition is **dismissed**. However, since a petition under 37 CFR 1.137(b) was filed on September 28, 2010, a decision will be rendered in due course.

This application is being held in the Office of Petitions for consideration of the petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions

[1] Petitioner is reminded that 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 (*See* 37 CFR 1.2).

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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CHRISTOPHER JOHN RUDY
209 HURON AVENUE, SUITE 8
PORT HURON MI 48060

MAILED

FEB 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Henry James Jones	:	
Application No. 29/348,879	:	DECISION ON PETITION
Filed: February 18, 2010	:	
Attorney Docket No. HANDLE-808D1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 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 August 4, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed May 4, 2010. Accordingly, the date of abandonment of this application is August 5, 2010. A Notice of Abandonment was mailed August 17, 2010.

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 and required $70.00 fee.

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 with the instant petition.

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

JUN 24 2011

OFFICE OF PETITIONS

In re Application of :
Geoffrey S. Geils :
Application No. 29/348,942 : DECISION ON PETITION
Filed: February 23, 2010 :
Attorney Docket No. 2735-100 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 19, 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 reply in a timely manner to the Restriction Requirement mailed July 9, 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 August 10, 2010. A Notice of Abandonment was mailed February 17, 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(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), petitioner submitted an incomplete terminal disclaimer.

Petitioner has left blank the percent interest in the above-identified application held by the owner.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
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
www.uspto.gov

EPSTEIN DRANGEL LLP
60 EAST 42ND STREET
SUITE 2410
NEW YORK NY 10165

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
Geoffrey S. Geils :
Application No. 29/348,942 : DECISION ON PETITION
Filed: February 23, 2010 :
Attorney Docket No. 2735-100 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 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 Restriction Requirement mailed July 9, 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 August 10, 2010. A Notice of Abandonment was mailed February 17, 2011.

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 May 19, 2011), (2) the petition fee of $810.00 (previously paid May 19, 2011), (3) a proper statement of unintentional delay and (4) a Terminal Disclaimer and fee of $70.00 (previously paid May 19, 2011).

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 Technology Center AU 2913 for appropriate action by the Examiner in the normal course of business on the reply received.

/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

J. BENNETT MULLINAX, LLC
P. O. BOX 26029
GREENVILLE SC 29616-1029

MAILED

JUL 22 2011

OFFICE OF PETITIONS

In re Application of :
June Gyu Moon :
Application No. 29/348,994 : DECISION ON PETITION
Filed: February 27, 2010 :
Attorney Docket No. **FNT-17-D** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed March 3, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 4, 2011.

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 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
www.uspto.gov

DOROTHY S. MORSE
515 PARK DRIVE, NW
BRADENTON FL 34209

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of
Frank L. LENGE
Application No. 29/349,107
Filed: March 10, 2010
Attorney Docket No. 1003-LENG-D1

DECISION ON PETITION

This is a decision on the petition, filed October 19, 2010, which is being treated under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue fee on or before September 1, 2010. As required by the Notice of Allowance and Fee(s) Due, mailed June 1, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 2, 2010.

Petitioner asserts that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of an Auto-Reply Facsimile Transmission of Part B – Fee(s) Transmittal and the payment of the $430 Issue fee as evidence.

The Office has reviewed the evidence submitted with the petition filed October 19, 2010, and has determined that the evidence fail to confirm that the issue fee was timely received in the Office. In this regard, the submission cannot be accepted as being timely filed because it does not include a copy of the original papers faxed to the Office on September 1, 2010. Accordingly, absent the sufficient evidence, the petition filed October 19, 2010, cannot be granted.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) 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 the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1620 petition fee (or $810 for small entity).

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 cannot make a statement that the delay was unintentional unless the entire delay, including 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 petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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."

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 Diane Goodwyn at (571) 272-6735.

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

DOROTHY S. MORSE
515 PARK DRIVE, NW
BRADENTON FL 34209

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Frank L. LENGE :
Application No. 29/349,107 : DECISION ON PETITION
Filed: March 10, 2010 :
Attorney Docket No. 1003-LENG-D1 :

This is a decision on the renewed petition, filed February 1, 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**.

The application became abandoned for failure to timely pay the issue fee on or before September 1, 2010. As required by the Notice of Allowance and Fee(s) Due, mailed June 1, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 2, 2010.

Petitioner asserts that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of an Auto-Reply Facsimile Transmission, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on September 1, 2010, of Part B – Fee(s) Transmittal and the payment of the $430 Issue fee.

The reply is acknowledged as having been received in the USPTO on September 1, 2010, and it is concluded that the reply was timely received in the USPTO.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Telephone inquiries relating to this decision should be directed to Diane Goodwyn at (571) 272-6735.

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

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

Charles W. Kingston
52 Kinsey Street
St. Catharines ON L2S 1E3 CA CANADA

MAILED

AUG 25 2011

OFFICE OF PETITIONS

In re Application of :
Charles Wilfred Kingston :
Application No. 29/349,135 : ON PETITION
Filed: April 19, 2010 :
Title: LURE MADE WITH A KEEL :

This is a decision on the petition under 37 CFR 1.181, filed July 11, 2011, to withdraw the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision on the petition under 37 CFR 1.181 must be submitted with TWO (2) MONTHS of the mailing date of the decision. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181."

On February 7, 2011, the Office mailed a Notice of Allowability which set a three month statutory period for reply to avoid abandonment. In the absence of a timely and proper reply to the Notice of Allowability, the above-identified application became abandoned by operation of law on May 8, 2011. On May 26, 2011, the Office mailed a Notice of Abandonment.

In the present petition, petitioner asserts:

1. In response to the filing of the application the examiner responded in terms of document # 1.

2. Therein the examiner expressly stipulates that she objected to "extraneous matter" in the drawings, that she objected to the disclosure of anything shown on the inside of the design and that this was to be removed.

3. In discussion with the examiner in essence the amended drawings were to be amended and were not to disclose shading or the eyes. This finding was apparently based upon the principle that the applicant was seeking protection essentially in

respect of the "lure with keel" and that any additional or extrinsic matter should be excluded from the drawings.

4. In accordance with this request amended drawings were prepared and were duly filed; the amended drawings were accepted by the patent office. These amended drawings are set forth in document #2.

5. During or about mid February 2011 the applicant received from the Patent office the Notice of Allowability For The Patent design which bore the date mailed February 7th 2011. This constitutes document #3.

6. The terms of this document were apparently in direct conflict with the terms of the Office Action Summary which had been addressed to the applicant bearing the mail date October 12th 2010 (Document # 1). In particular, the former document expressly indicated that the Examiner objected to the disclosure of hidden subject matter and objected to extraneous matter in the drawings. In addition it was expressly stipulated that only the figures and figure designations should be shown on the drawings. It was also stipulated that when preparing new drawings care must be exercised to avoid introduction of anything which could be construed to be new matter. These requirements were duly complied with by the applicant by filing the amended drawings (Document #2) which reflected these precise requirements.

7. Upon receipt by the applicant of the document # 3, the applicant telephoned to the examiner and offered the explanation that the design which was being sought to be protected was the actual lure with keel and no other aspect or feature of the device. It was moreover pointed out that the amended drawings which had been filed in response to document # 1 were prepared specifically to the requirements stipulated by the examiner previously and accordingly that no other extraneous matter was to be contained in the drawings. In particular neither the eyes nor surface shading formed part of the protection being sought under the patent and accordingly should not be included in the drawings as stipulated by the examiner previously.

8. The Examiner appeared to accept these submissions advanced by the applicant.

9. Subsequent thereto the applicant received a NOTICE OF ALLOWANCE AND FEES DUE dated 7th February 2011. This is document #4.In response thereto the applicant tendered payment of the fees requested in the sum of $430.00 which payment was duly acknowledged. This occurred on or about April 4th 2011. A copy of the applicant's check is document #6.

10. Upon the suggestion by the examiner that further drawings be filed it was made clear to the examiner that the amended drawings already filed complied precisely with the stipulations made by the examiner in document # 1. It was moreover made clear that new drawings would be redundant especially as the eyes would be extraneous matter. At no stage between the time of these discussions with the

> examiner and receipt of Notice of Allowance and fees due, did the applicant receive any indication that it was encumbent upon the applicant to file further drawings. Indeed it was made clear to the examiner that the amended drawings already filed, complied precisely with the stipulations made by the examiner in document # 1 and that any new drawings would be duplication and thus redundant.
>
> 11. This conclusion reached by the applicant was reinforced by the fact that the applicant then received the Notice of allowance and fees due which made it apparent in clear and unequivocal terms that the arguments of the applicant had been accepted and that the applicant was being called upon to pay the fees due as the patent had now been allowed.

Petition, pp 2-3.

Pursuant to 37 CFR 1.135:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
>
> (b) Prosecution of an application to save it from abandonment [37 CFR 1.153(a)] must include such complete and proper reply as the condition of the application may require...

In this instance, petitioner did not respond in writing to the Notice of Allowability within the three-month statutory period in accordance with 37 CFR 1.135. Consequently, the application became abandoned for failure to timely respond to the outstanding Notice of Allowability. The Office reminds petitioner that it was petitioner's responsibility to timely submit a response to the Notice of Allowability to save the application from abandonment. Even if petitioner questioned the accuracy of the Notice of Allowability, petitioner was required to file either an appropriate reply to the Notice in the form of corrected drawings or a statement setting forth any believed errors in the Notice.

With regard to petitioner's belief that the examiner had accepted the previously filed drawings and that any new drawings would be a duplication and redundant, there is no showing in the written record to support that belief. The Office reminds petitioner that as stated in 37 CFR 1.2 the action of the USPTO 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. While this is an unfortunate situation, the Office is nonetheless precluded from granting the requested relief. The Notice of Allowability mailed on February 7, 2011, specifically stated that correct drawings (as "replacement sheets") must be submitted including changes required by the attached examiner's amendment. Furthermore, the examiner indicated in the Notice of Allowability that corrected drawings sheets were required in response to the Office action to avoid abandonment of the application. The responsibility was that of petitioner to submit a timely response to the Notice of Allowability, and petitioner failed so to do. As such, the showing of record is that the

abandonment resulted from the failure of petitioner to respond to the Notice of Allowability rather than an error on the part of the USPTO. Accordingly, the application is properly held abandoned.

In view of the circumstances, petitioner may wish to consider filing a petition to revive under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, (i.e. replacement sheets)

(2) The petition fee as set forth in § 1.17(m) (currently a fee of $810.00 for a small entity);

(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 $70.00 small entity fee as set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

A copy of the appropriate forms for filing a petition under 37 CFR 1.137(b) and a terminal disclaimer are enclosed for petitioner's convenience.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures: Forms PTO/SB/63 and 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
www.uspto.gov

Charles W. Kingston
52 Kinsey Street
St. Catharines ON L2S 1E3 CA CANADA

MAILED

NOV 01 2011

OFFICE OF PETITIONS

In re Application of :
Charles Wilfred Kingston :
Application No. 29/349,135 : ON PETITION
Filed: April 19, 2010 :
Title: LURE MADE WITH A KEEL :

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALL UNDER 37 CFR 1.137(b) filed October 20, 2011.

The petition under 37 CFR 1.1.137(b) is **GRANTED**.

On February 7, 2011, the Office mailed a Notice of Allowability which set a three month statutory period for reply to avoid abandonment. In the absence of a timely and proper reply to the Notice of Allowability, the above-identified application became abandoned by operation of law on May 8, 2011. On May 26, 2011, 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, (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).

The terminal disclaimer is accepted and has been made of record.

This application is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries specifically concerning 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

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

KEISLING & PIEPER PLC
P.O. Box 10379
Fayetteville AR 72703

MAILED

APR 04 2011

OFFICE OF PETITIONS

In re Application of :
Burt Hanna :
Application No. 29/349,222 : DECISION ON PETITION
Filed: March 17, 2010 :
Attorney Docket No. 018799 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 23, 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 December 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 29, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 30, 2010. A Notice of Abandonment was mailed on January 21, 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 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 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 Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

/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
DIW Aug-10

DAVID ODELL SIMMONS
7637 PARKVIEW CIRCLE
AUSTIN TX 78731

MAILED

AUG 26 2010

OFFICE OF PETITIONS

In re Application of :
Marlin Daniel Ballard :
Application Number: 29/349304 : DECISION ON PETITION
Filing Date: 03/23/2010 :
Attorney Docket Number: :
Ballard-27 USDPA :

This is a decision in reference to the "PETITION FOR DATE OF DEPOSIT," filed on May 19, 2010, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of March 23, 2010, with one (1) sheet of drawings containing Figures 1-3, as a part of the original disclosure.

The petition is **DISMISSED**.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.[1]

The application was filed on March 23, 2010.

Accordingly, on April 28, 2010, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of March 23, 2010, but that Figures 1-3 described in the specification appeared to have been omitted from the application.

In response, on May 19, 2010, the present petition was filed. Petitioner argues that one (1) sheet of drawing containing Figures 1-3 was filed with the other application papers on March 23, 2010, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of March 23, 2010, and identifies the application by the inventor's name, attorney

[1] 37 CFR 1.181(f).

docket number, and invention title, and acknowledges receipt of, *inter alia*, "Two (2) sheets of formal drawings (Figs. 1-7)."

A review of the papers filed with the subject petition, however, reveals that petitioner has not provided a copy of the inadvertently omitted sheet of drawings containing Figures 1-3. Accordingly, the petition is dismissed without prejudice pending submission of the omitted drawing sheet. The submission of the omitted sheet of drawings must be accompanied by a renewed petition.

No further fee is due in connection with this petition.

The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision. If no response is received within two (2) months, the application will be forwarded to the Office of Patent Application Processing for further processing with a filing date of March 23, 2010, using only the application papers filed on that date.

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

A reply may also be filed via the EFS-Web system of the USPTO.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DW Nov-10

DAVID ODELL SIMMONS
7637 PARKVIEW CIRCLE
AUSTIN TX 78731

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of :
Marlin Daniel Ballard :
Application Number: 29/349304 : DECISION ON PETITION
Filing Date: 03/23/2010 :
Attorney Docket Number: :
Ballard-27 USDPA :

This is a decision in reference to the renewed petition under 37 CFR 1.53, filed on September 2, 2010, requesting that the above-identified application be accorded a filing date of March 23, 2010, with one (1) sheet of drawings containing Figures 1-3, as a part of the original disclosure.

The petition is **GRANTED**.

The application was filed on March 23, 2010.

Accordingly, on April 28, 2010, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of March 23, 2010, but that Figures 1-3 described in the specification appeared to have been omitted from the application. The petition filed on May 19, 2010, was dismissed on August 26, 2010.

In response, on September 2, 2010, the present petition was filed. Petitioner argues that one (1) sheet of drawing containing Figures 1-3 was filed with the other application papers on March 23, 2010, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the petition filed on May 19, 2010. The postcard receipt shows an "Office date" stamp of March 23, 2010, and identifies the application by the inventor's name, attorney docket number, and invention title, and acknowledges receipt of, *inter alia*, "Two (2) sheets of formal drawings (Figs. 1-7)."

A review of the record reveals that one (1) sheets of drawings containing Figures 4, 5, 6, and 7 were received on March 23, 2010. No one (1) sheet of drawings containing Figure 1, 2, and 3

is located among the papers received on that date. However, the evidence is convincing that the application papers deposited on March 23, 2010, included one (1) sheet of drawings containing Figure 1, 2, and 3, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figures 1, 2, and 3, is entitled to a filing date of March 23, 2010.

The Notice of Omitted Item(s) in a Nonprovisional Application mailed on April 28, 2010 is vacated.

In view of the above, the petition is granted. As the petition was not due to an error on the part of petitioner, no petition fee is due. The petition fee will be refunded to counsel.

The application will be processed with the copy of one (1) sheet of drawings containing Figures 1, 2, and 3 described in the specification, and supplied with the present petition as a part of the original disclosure.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of March 23, 2010, using the application papers filed on that date and the copy of one (1) sheet of drawings containing Figures 1, 2, and 3 supplied with the present petition, and for an indication in Office records that two (2) sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110307

DATE : March 07, 2011

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D623390

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

Paul M. Denk
763 South New Ballas
St. Louis MO 63141

In re Application of
WOLFF, GARY
Application No. 29/349,405
Filed: March 31, 2010
Attorney Docket No.: 8018

NOV 23 2010

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding of Abandonment, received in the United States Patent and Trademark Office (USPTO) on October 25, 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 above-identified application was held abandoned for applicant's failure to timely file corrected drawings and new oath, as required in the Notice of Allowance and Fee(s) Due mailed June 25, 2010. The Notice of Abandonment, mailed on October 8, 2010.

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)

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to § 1.957(a), the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence certificate; and

(3) Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

- 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

Paul M. Denk
763 South New Ballas
St. Louis MO 63141

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of :
Gary Wolff :
Application No. 29/349,405 : DECISION ON PETITION
Filed: March 31, 2010 :
Attorney Docket No. 8018 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 27, 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 submit corrected drawings and a substitute oath and declaration in a timely manner in reply to the Notice of Allowability mailed on June 25, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on September 26, 2010. A Notice of Abandonment was mailed on October 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 (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).

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.

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

Paul M. Denk
763 South New Ballas
St. Louis MO 63141

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Gary Wolff :
Application No. 29/349,405 : DECISION ON PETITION
Filed: March 31, 2010 :
Attorney Docket No. 8018 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings and a substitute oath and declaration in a timely manner in reply to the Notice of Allowability mailed on June 25, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on September 26, 2010. A Notice of Abandonment was mailed on October 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 drawings and oath and declaration, (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 corrected drawings and substitute oath and declaration 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120305

DATE : March 05, 2012

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction on Patent No.: D642287

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 request is approved.

/CELIA MURPHY/
Supervisory Patent Examiner.Art Unit 2914

UNITED STATES PATENT AND TRADEMARK OFFICE

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

November 2, 2011

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

In re Application of	:	
Daniel F. Hock	:	**DECISION ON PETITION**
Application No. 29349444	:	
Filed: 04/01/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **ZUMP.010DA**	:	***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 1, 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.

/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
www.uspto.gov

R. Tracy Crump
P.O. Box 604
New Carlisle IN 46552

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of :
Barry W. Dueck :
Application No. 29/349,453 : DECISION ON PETITION
Filed: April 2, 2010 :
Attorney Docket No. D13.001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on April 27, 2011, which set a period for reply of three (3) months. Accordingly, the application became abandoned on July 28, 2011. A Notice of Abandonment was mailed on August 12, 2011.

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, and (3) a proper statement of unintentional delay. Accordingly, the corrected 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

Morland C. Fischer
Suite 1300
2030 Main Street
Irvine CA 92614

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Application of :
Anderson : DECISION ON PETITION
Application No. 29/349,561 :
Filed: April 15, 2010 :
For: SLY-107 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed August 22, 2011.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **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 1.181." This is not a final agency decision.

There is no indication in the record that petitioner herein, Morland C. Fischer, has been empowered to represent applicant herein, no power of attorney appearing in the record. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted.

The instant petition is not properly signed in accordance with 37 CFR 1.33(b)(2) and 1.34 in that no practitioner registration number has been provided. See, also, 1283 OG 148 (June 22, 2004). Accordingly, the petition has not been reviewed on the merits.

Any renewed petition must be properly executed in accordance with 37 CFR 1.33 prior to treatment on the merits.

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 hand delivery: U.S. Patent and Trademark Office
Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Morland C. Fischer
Suite 1300
2030 Main Street
Irvine CA 92614

MAILED

NOV 21 2011

OFFICE OF PETITIONS

In re Application of :
Anderson : DECISION ON PETITION
Application No. 29/349,561 :
Filed: April 15, 2010 :
Atty. Dkt. No.: SLY-107 :

This decision is in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed October 11, 2011.

The application became abandoned July 1, 2011 for failure to timely submit a proper reply in response to the Notice of Allowability ("Notice") mailed March 30, 2011. The Notice, which required the submission of corrected drawings, set a three month statutory period of time for reply. Corrected drawings were not submitted within the time period set forth in the Notice. Notice of Abandonment was mailed July 22, 2011.

Petitioner argues that replacement drawings were not necessary because corrected formal drawings were filed March 21, 2011, and, thus, the requirement for replacement drawings set forth in the Notice of Allowability was set forth in error.

Petitioner's arguments have been carefully reviewed, but have not been found convincing. The record does not reflect that a petition for review of the examiner's requirement was timely filed in this matter pursuant to 37 CFR 1.181(a). Further, the record does not reflect that a petition to expunge the drawing requirement set forth in the Notice of Allowability was timely filed pursuant to 37 CFR 1.59. Further, there is no indication that the drawing requirement was withdrawn and vacated from the record by the Group Director of the Technology Center.

The Notice of Allowability set a three month statutory period of time for reply. Failure by applicant of a patent application to reply within the time period provided under § 1.134 and § 1.136 results in abandonment of the application as a matter of law. See, 37 CFR 1.135(a). Absent a showing that a proper reply to the Notice of Allowability was timely filed within the time period for reply set forth therein, the holding of abandonment will not be withdrawn.

Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the entire delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides 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." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

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 cannot 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 petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). The Director may require additional information where there is a question whether the delay was unintentional.

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

JAN 13 2012

OFFICE OF PETITIONS

Morland C. Fischer
Suite 1300
2030 Main Street
Irvine CA 92614

In re Application of :
Anderson : DECISION ON PETITION
Application No. 29/349,561 :
Filed: April 15, 2010 :
Atty. Dkt. No.: SLY-107 :

This is a decision on the petition renewed under 37 CFR 1.137(b), filed December 20, 2011.

The petition is **GRANTED**.

The application became abandoned July 1,2011 for failure to timely submit a proper reply in response to the Notice of Allowability ("Notice") mailed March 30, 2011. The Notice, which required the submission of corrected drawings, set a three month statutory period of time for reply. Corrected drawings were not submitted within the time period set forth in the Notice. Notice of Abandonment was mailed July 22, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

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

OFFICE OF PETITIONS

Applicant: Majid Hajarizadeh

Group Art Unit: 2917

Serial No.: 29/349,571

Examiner: Ulm, Roselynne H.

Filed: April 14, 2010

Docket No.: P 1223.30001

Title: WEDGING TOOL

Portland Intellectual Property, LLC
900 SW Fifth Avenue, Suite 1820
Portland, OR 97204

May 11, 2011

PETITION UNDER 37 CFR 1.182 (REQUEST FOR WITHDRAWAL OF PETITION)

Office of Petitions
Commissioner for Patents
VIA FACSIMILE
(571) 273-0025

FAX RECEIVED
MAY 11 2011
OFFICE OF PETITIONS

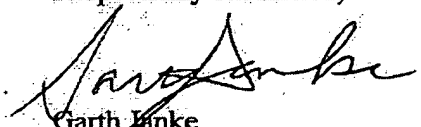
Greetings:

This is a petition under 37 C.F.R. §1.182, "Questions Not Specifically Provided For," in the above-captioned patent application, for the purpose of requesting withdrawal of Applicant's prior petition under 37 C.F.R. §1.313(c), that was filed via facsimile on May 10, 2011.

The reason for the present request is that the purpose of the petition under 1.313(c) was to submit a particular reference that had just come to the undersigned's attention (Adwar, U.S. Patent No. D563,744), but in fact this reference had already been considered by the Examiner, being listed among a number of other references in a "Notice of References Cited" that accompanied the Notice of Allowance.

The Director is hereby authorized to charge the required petition fee under 37 C.F.R. §1.17(h), as well as credit any overpayments or charge any of the fees required under 37 C.F.R. §§1.16-18, to **Deposit Account No. 50-4421.** A duplicate copy of this Petition is included.

Respectfully submitted,



Garth Janke
Reg. No. 40,662
(503) 224-2180

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GARTHE JANKE
PORTLAND INTELLECTUAL PROPERTY, LLC
SUITE 1820
900 SW FIFTH AVENUE
PORTLAND OR 97204

MAILED

MAY 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Majid Hajarizadeh	:	DECISION ON PETITION
Application No. 29/349,571	:	UNDER 37 CFR 1.313(c)(3)
Filed: April 14, 2010	:	AND UNDER 37 CFR 1.182
Attorney Docket No. P 1223.30001	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed May 10, 2011, to withdraw the above-identified application from issue after payment of the issue fee. This is also a decision on the petition filed May 11, 2011 under 37 CFR 1.182 to withdraw the petition under 37 CFR 1.313.

The petition under 37 CFR 1.313(c)(3) is **DISMISSED** as Moot.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.313(c)(3) is dismissed as moot in view of the petition filed May 11, 2011, requesting that the petition under 37 CFR 1.313(c)(3) be withdrawn and not considered.

The CPA submitted with the petition on May 10, 2011, will **only be placed** in the above application and not considered.

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

This matter is being referred to the Office of Data Management to be processed into a patent.

/Karen Creasy/
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

GARTHE JANKE
PORTLAND INTELLECTUAL PROPERTY, LLC
SUITE 1820
900 SW FIFTH AVENUE
PORTLAND OR 97204

MAILED

JUL 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Majid Hajarizadeh	:	
Application No. 29/349,571	:	DECISION ON PETITION
Filed: April 14, 2010	:	
Attorney Docket No. P 1223.30001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 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.

This application became abandoned for failure to timely to submit Corrected Drawings on or before June 16, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 16, 2011. Accordingly, the date of abandonment of this application is June 17, 2011. A Notice of Abandonment was mailed June 29, 2011.

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 Commissioner 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 (form enclosed) and small entity $70.00 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.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
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

GARTHE JANKE
PORTLAND INTELLECTUAL PROPERTY, LLC
SUITE 1820
900 SW FIFTH AVENUE
PORTLAND OR 97204

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Majid Hajarizadeh	:	
Application No. 29/349,571	:	DECISION ON PETITION
Filed: April 14, 2010	:	
Attorney Docket No. P 1223.30001	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 2, 2011, with a certificate of mailing dated July 29th, 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 July 16, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed March 16, 2011. Accordingly, the date of abandonment of this application is June 17, 2011. A Notice of Abandonment was mailed June 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings (previously submitted July 8, 2011), (2) the petition fee of $810.00 (previously submitted July 8, 2011), (3) a proper statement of unintentional delay, and (4) a Terminal Disclaimer and required $70.00 fee.

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 previously submitted on July 8, 2011.

/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

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

MAILED

JUN 0 1 2011

OFFICE OF PETITIONS

In re Application of	:	
Randy Cheng	:	
Application No. 29/349,667	:	DECISION ON PETITION
Filed: April 21, 2010	:	
Attorney Docket No. USD4451A-TTC1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 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 non-final Office action mailed, July 14, 2010, 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 October 15, 2010. The Notice of Abandonment was mailed February 22, 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 $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 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

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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THOMTE LAW OFFICE, L.L.C.
2120 S. 72ND STREET, SUITE 1111
OMAHA NE 68124

MAILED
NOV 16 2010
OFFICE OF PETITIONS

In re Application of :
Charles Wayne ZELLER, et al :
Application No. 29/349,682 : ON PETITION
Filed: April 22, 2010 :
Attorney Docket No. :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 21, 2010.

The petition is **DISMISSED**.

The application became abandoned for failure to timely submit the issue fee on or before June 1, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 29, 2010, which set a statutory period for reply of **three (3) months**. Accordingly, the application became abandoned on September 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(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.

37 CFR 1.321(b) states :

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding

upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark Office, must:

(1) Be signed:
(i) By the applicant, or
(ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or

(iii) If there is an assignee of record of the entire interest, by such assignee, or
(iv) By an attorney or agent of record;
(2) Specify the portion of the term of the patent being disclaimed;
(3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
(4) Be accompanied by the fee set forth in §1.20(d).

In this regard, if the terminal disclaimer is signed by an attorney, the attorney **must** be of record in the application.

If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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.

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.

/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
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THOMTE LAW OFFICE, L.L.C.
2120 S. 72ND STREET, SUITE 1111
OMAHA NE 68124

MAILED

DEC 27 2010

OFFICE OF PETITIONS

In re Application of :
Charles Wayne ZELLER, et al :
Application No. 29/349,682 : ON PETITION
Filed: April 22, 2010 :
Attorney Docket No. :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 29, 2010.

The petition is **DISMISSED**.

The application became abandoned for failure to timely submit the issue fee on or before June 1, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 29, 2010, which set a statutory period for reply of **three (3) months**. Accordingly, the application became abandoned on September 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(s) (4).

With respect to item (4): The Terminal Disclaimer filed with the renewed petition dated November 29, 2010, is acknowledged, however, cannot be accepted as filed. In this regard, any future submission should include a terminal disclaimer that has not been amended.

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.

/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
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THOMTE LAW OFFICE, L.L.C.
2120 S. 72ND STREET, SUITE 1111
OMAHA NE 68124

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of :
Charles Wayne ZELLER, et al :
Application No. 29/349,682 : DECISION ON PETITION
Filed: April 22, 2010 :
Attorney Docket No. :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 3, 2011, to revive the above-identified application.

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 June 29, 2010, which set a period for reply of **three (3) months**. Accordingly, this application became abandoned on September 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 replacement drawings; (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 recorded.

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

Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York NY 10017

MAILED

FEB 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Estelle Orilland	:	
Application No. 29/349698	:	DECISION GRANTING
Filing or 371(c) Date: 04/23/2010	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(b)
CHAIN TRIM DETAIL FOR HANDBAGS	:	
AND THE LIKE	:	

This is in response to the Petition to Accept Declaration Signed by Assignee, filed November 18, 2010, and supplemented February 14, 2011, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors. The petition is properly treated under 37 C.F.R. § 1.47(b).

The petition is **granted**.

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

Petitioner has shown that the non-signing inventor, Estelle Orilland, refuses to join in the application.

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

The application file is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MS. ESTELLE ORILLAND
49 BELSIZE AVENUE
LONDON NY3 4BN
UNITED KINGDOM

MAILED
FEB 17 2011
OFFICE OF PETITIONS

In re Application of :
Estelle Orilland :
Application No. 29/349698 : LETTER
Filing or 371(c) Date: 04/23/2010 :
Title of Invention: :
CHAIN TRIM DETAIL FOR HANDBAGS :
AND THE LIKE :

Dear Ms. Orilland:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods
Attorney
Office of Petitions

cc: Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York NY 10017

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450

MAILED
SEP 07 2011
OFFICE OF PETITIONS

DART INDUSTRIES INC
P O BOX 779001
ORLANDO FL 32877-9001

In re Application of	:	
Hanno KORTLEVEN	:	ON PETITION
Application No. 29/349,773	:	
Filed: April 30, 2010	:	
Atty. Docket No.: 131439-D200		

This is in response to the petition under 37 CFR 1.137(b), filed May 27, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply to the Notice of Allowance and Fee(s) Due mailed January 28, 2011 (Notice), which set a period for reply of three (3) months. The application became abandoned April 29, 2011. A Notice of Abandonment was mailed May 13, 2011.

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 in accordance with the Notice mailed January 28, 2011, (2) a petition fee of $1620, (3) a statement of unintentional delay, and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20 (d)). The reply to the Notice is accepted as having been unintentionally delayed.

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.

It is noted that the issue fee $860 was charged twice. Accordingly, $860 will be refunded to deposit account 040120.

Telephone inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

This application is being referred to the Office of Data Management for processing.

Ramesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

cc: John A. Doninger
14901 S. Orange Blossom Trail
Orlando, Florida 32837

UNITED STATES 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 09 2011

OFFICE OF PETITIONS

RICHARD L. MILLER
12 PARKSIDE DRIVE
DIX HILLS NY 11746

In re Application of	:	
Maiaro et al.	:	
Application No. 29/349,827	:	DECISION ON PETITION
Filed: May 6, 2010	:	
Attorney Docket No. MAIR31G	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 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 July 14, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 14, 2011. Accordingly, the date of abandonment of this application is July 15, 2011. A Notice of Abandonment was mailed July 28, 2011.

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 and required $70.00 fee.

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 August 22, 2011.

/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

RICHARD O. BARTZ
6950 FRANCE AVE. S.
STE. 119
EDINA, MN 55435

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Willard J. Harder	:	
Application No. 29/349,902	:	DECISION ON PETITION
Filed: May 17, 2010	:	
Attorney Docket No. H3.12.9	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 7, 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 January 3, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 1, 2010, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on January 4, 2011.

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 Allowability is accepted as being unintentionally delayed.

The terminal disclaimer filed February 7, 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

Alicia Kelley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110717

DATE : July 14, 2011

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D636169

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

ROBERT J. MCCABE
328 SW 176TH PLACE
SEATTLE WA 98166

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert James McCabe	:	
Application No. 29/349,958	:	DECISION ON PETITION
Filed: May 22, 2010	:	
Title: Camera Raincoat With Opening On The Bottom	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 11, 2011, 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 December 10, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 10, 2010. Accordingly, the date of abandonment of this application is December 11, 2010. A Notice of Abandonment was mailed December 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 payment of the issue fee of $430.00, and corrected formal drawings , (2) the petition fee of $810.00, (3) a proper statement of unintentional delay , and (4) a Terminal Disclaimer and required $70.00 fee.

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 with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04/07/11

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29350021 Patent No.: D635249

CofC mailroom date: 03/31/11

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 (C of C)
Randolph Square 9D40-D
Palm Location 7580
[redacted]

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.

- [X] **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
www.uspto.gov

Paper No. 9

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED
MAR 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Man Chan	:	
Application No. 29/350,031	:	DECISION DISMISSING
Filed: November 10, 2009	:	PETITION UNDER
Attorney Docket No. 038873-0108	:	37 CFR 1.313(c)(3)

This is a decision on the petition under 37 CFR 1.313(c)(3), filed February 28, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT.**

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue.** (Emphasis added)

In this case, the petition was not received in the Office of Petitions for consideration until March 1, 2011, the date upon which the above-identified application issued as U.S. Patent No. D633377. Since the case has now issued, the petition to withdraw from issue cannot be granted.

Petitioner is reminded, that applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions. *See* MPEP § 1308.

Accordingly, the $130.00 petition fee submitted is unnecessary and will be refunded in due course.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : June 28, 2011

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/350071 Patent No.: D632499

CofC mailroom date: 5-09-11

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

Note: _____

_____

Magdalene Talley
Certificates of Correction Branch
571-272-0423 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

XX 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/ 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

Patent No. : **D619624**
Ser. No. : **29/350093**
Inventor(s) : **IWAGOSHI, KOTARO et al.**
Issued : **07/13/2010**
Title : **VACUUM PUMP**
Docket No. : **15491-000014/US**

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.

Omega Lewis
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703)756-1575 or (703) 756-1814

HARNESS DICKEY & PIERCE, PLC
5445 CORPORATE DR., SUITE 200
TROY, MI 48098

OL

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Patent No. D619624 :
Issue Date: July 13, 2010 :
Application No. 29/350,093 : DECISION ON PETITION
Filed: November 11, 2009 :
Attorney Docket No. 15491-000014/US :

This is a decision on the Request To Correct The Assignee Address Under 37 CFR 3.81(b), filed September 22, 2010, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's address. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the assignee's address 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:

"Saito-Shu"

to:

--Saito-Shi--

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 petition 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 (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. D619624.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120301

DATE : March 01, 2012

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D638953

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

PATENT GROUP
MACDONALD, ILLIG, JONES & BRITTON LLP
100 STATE STREET
SUITE 700
ERIE PA 16507-1459

MAILED

MAR 30 2011

OFFICE OF PETITIONS

In re Application of :
Jesse H. Davis :
Application No. 29/350,209 : DECISION ON PETITION
Filed: November 12, 2009 :
Attorney Docket No. 52455.0009 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 21, 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.

This application became abandoned for failure to timely to submit Corrected Drawings on or before January 28, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 28, 2010. Accordingly, the date of abandonment of this application is January 29, 2011. A Notice of Abandonment was mailed February 11, 2011.

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 Commissioner 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 (form enclosed) and small entity $70.00 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.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
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

PATENT GROUP
MACDONALD, ILLIG, JONES & BRITTON LLP
100 STATE STREET
SUITE 700
ERIE PA 16507-1459

MAILED
APR 12 2011
OFFICE OF PETITIONS

In re Application of :
Jessie H. Davis :
Application No. 29/350,209 : DECISION ON PETITION
Filed: November 12, 2009 :
Attorney Docket No. 52455.0009 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 1, 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 January 28, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 28, 2010. Accordingly, the date of abandonment of this application is January 29, 2011. A Notice of Abandonment was mailed February 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings (previously submitted February 21, 2011), (2) the petition fee of $810.00 (previously submitted February 21, 2011), (3) a proper statement of unintentional delay, and (4) a Terminal Disclaimer and required $70.00 fee.

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 February 21, 2011.

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

LAW OFFICES OF DANIEL DAWES
DAWES PATENT LAW GROUP
5200 WARNER BLVD, STE. 106
HUNTINGTON BEACH, CA 92649

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of
Ardeen DUBOW
Application No. 29/350,225
Filed: November 12, 2009
Attorney Docket No. EP12.PAD.03

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 23, 2010.

The request is **NOT APPROVED because it is moot.**

A review of the file record indicates that the power of attorney to Daniel L. Dawes and the attorneys of record associated with Customer No. 79782, has been revoked by the applicant of the patent application on September 28, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Jellett Law, PS
Matthew Jellett, Esq.
910 Harris Ave
Suite A205
BELLINGHAM WA 98225

MAILED

FEB 17 2011

OFFICE OF PETITIONS

In re Application of :
WAI, VICTOR KINGSUN :
Application No. 29/350,229 : ON PETITION
Filed: 11/12/2009 :
Attorney Docket No. P209500DP :

This is a decision on the petition under 37 CFR 1.181, filed November 29, 2010, to withdraw the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision on the petition under 37 CFR 1.181 must be submitted within TWO (2) MONTHS of the mailing date of the decision. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181."

On September 2, 2010, the Office mailed a Notice to File Corrected Application Papers, which set a non-extendable one month period for reply to avoid abandonment. The above-identified application became abandoned by operation of law on October 3, 2010. On November 2, 2010, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests withdrawal of the abandonment of the application for the following reasons:

- applicant's attorney was dealing with other matters due to a busy law practice, and was not able to respond to the notice to file corrected application papers within the one-month non-extendable deadline;

- the office previously accepted the oath and declaration as signed and as can be seen in the record on February 1, 2010;

> • applicant hereby submits a corrected Oath and Declaration to correct the above informalities[.]

Petition p. 2. Furthermore, applicant's attorney, Matthew Jellett, submitted an Affidavit stating:

> I received the notice to file corrected patent application papers, reviewed and docketed the notice to file corrected application papers with a one-month response date and assumed extensions for replying to 37 CFR 1.136(a) applied. Because of my busy law practice, and because I was handling matters which required my immediate attention for other matters in front of the US patent trademark office, I was unable to respond within the one-month time frame and planned to extend the date to respond and file the corrected application papers.

Pursuant to 37 CFR 1.135:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
>
> (b) Prosecution of an application to save it from abandonment [37 CFR 1.153(a)] must include such complete and proper reply as the condition of the application may require...

In this instance, applicant did not respond in writing to the Notice to File Corrected Application Papers within the one month period in accordance with 37 CFR 1.135. Consequently, the application became abandoned for failure to respond timely and properly to the outstanding Notice. The Office reminds applicant that it was applicant's responsibility to submit a timely and proper response to the Notice to File Corrected Application Papers to save the application from abandonment. Even if applicant questioned the accuracy of the Notice, applicant was required to file either an appropriate reply to the Notice or a written and signed statement setting forth any believed errors in the Notice within the one month for response. That is, applicant cannot choose not to respond in any manner within the set time period and expect to avoid the consequence of abandonment of the application. The Office reminds applicant that as stated in 37 CFR 1.2, all business with the USPTO should be transacted in writing. The action of the USPTO will be based exclusively on the written record in the Office.

Unfortunately, the Office is precluded from granting the requested relief. The responsibility was that of applicant to submit a timely and proper response to the Notice to File Corrected Application Papers (which could have consisted of a statement disputing its accuracy), and applicant failed to do so. The Office reminds applicant that it is incumbent upon an applicant to take steps to ensure against abandonment of an application. An applicant may delay action until the end of the time period for reply. In doing so, however, the applicant must assume the risk attendant to such delay. See Ex parte Warren, 1901 Dec. Comm'r Pat. 137 (Comm'r Pat. 1901). As such, the showing of record is that the abandonment resulted from the failure of applicant to respond the Notice to File Corrected Application Papers. Accordingly, the application is properly held abandoned.

Applicant may wish to consider filing a petition under 37 CFR 1.137(b) to revive the application.

A grantable petition pursuant to 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 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 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

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

Correspondence may also be submitted electronically via EFS-Web.

Telephone inquiries 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

Jellett Law, PS
Matthew Jellett, Esq.
910 Harris Ave
Suite A205
BELLINGHAM WA 98225

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of :
Victor Kingsun Wai :
Application No. 29/350,229 : DECISION ON PETITION
Filed: November 12, 2009 :
Attorney Docket No. P209500DP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 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 Notice to File Corrected Application Papers (Notice), mailed September 2, 2010. The Notice set a period non-extendable for reply of one (1) months from the mail date of the Notice. Accordingly, the application became abandoned on December 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form oath or declaration previously filed on November 29, 2010 (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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 of business.

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

Keusey & Associates, P.C.
420 Jericho Tpke.
Suite 324
Jericho, New York 11753

MAILED

MAR 02 2011

OFFICE OF PETITIONS

In re Application of :
Michael REED : DECISION GRANTING PETITION
Application No. 29/350,307 : UNDER 37 CFR 1.137(b)
Filed: 13 November 2009 :
Atty. Docket No.: 148-71 :

This is a decision on the petition under 37 CFR 1.137(b), filed 12 January 2011, to revive the above-identified application ("Application").

The petition is **DISMISSED**.

The Application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed 7 October 2010 ("Notice"), which set a statutory reply period of three (3) months. The application thus became abandoned on 8 January 2011, with notification mailed 21 January 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the 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). The present petition lacks item (4). Specifically, as the present petition is for a design application, a terminal disclaimer plus fee is due (*see* MPEP 711.03(c)).

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.**

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

MAILED

MAY 17 2011

OFFICE OF PETITIONS

Keusey & Associates, P.C.
420 Jericho Tpke.
Suite 324
Jericho, New York 11753

In re Application of	:	
Michael REED	:	DECISION GRANTING PETITION
Application No. 29/350,307	:	UNDER 37 CFR 1.137(b)
Filed: 13 November 2009	:	
Atty. Docket No.: 148-71	:	

This is a decision on the renewed petition, filed March 9, 2011, to revive the above-identified application, under the unintentional provisions of 37 CFR 1.137(b).

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 record on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application filed will be referred to Office of Data Management.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED Paper No.

NOV 08 2010

OFFICE OF PETITIONS

Ashok Tankha
36 Greenleigh Drive
Sewell NJ 08080

In re Application of	:	
Nguyen	:	
Application No. 29/350,348	:	DECISION ON PETITION
Filed: November 16, 2009	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
NGUYEN_01	:	
Title: VENT PROTECTING	:	
APPARATUS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed May 31, 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 submit the issue fee and drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed January 26, 2010, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings or issue fees.[1] Accordingly, the above-identified application became abandoned on April 27, 2010. A Notice of Abandonment was mailed on May 13, 2010.

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);

1 See MPEP § 710.02(e)(III).

(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 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Applicant has submitted the issue and petition fees, the proper statement of unintentional delay, and both a terminal disclaimer and the associated fee. As such, requirements one through four of Rule 1.137(b) have been met.

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.[2] 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

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2 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

John Karl Buche
BUCHE & ASSOCIATES, P.C.
875 PROSPECT
SUITE 305
LA JOLLA CA 92037

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of :
Christine Basiliere, et al. :
Application No. 29/350,359 : ON PETITION
Filed: November 16, 2009 :
Attorney Docket No. CDT-Design :

This is a decision on the petition under 37 CFR 1.137(b), filed June 21, 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; (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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on June 21, 2011 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2914 for processing of the CPA.

/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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TROJAN LAW OFFICES
9250 WILSHIRE BLVD
SUITE 325
BEVERLY HILLS CA 90212

MAILED
NOV 30 2010
OFFICE OF PETITIONS

In re Application of :
Yu :
Application No. 29/350,397 : DECISION
Filed: 16 November, 2009 :
Attorney Docket No. 09-09-5260 :

This is a decision on the petition filed on 30 July, 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/Allowability and Fees Due, mailed on 16 April, 2010, with reply due under a non-extendable deadline on or before 16 July, 2010.

The application went abandoned by operation of law after midnight 16 July, 2010.

The Office mailed the Notice of Abandonment on 30 July, 2010.

On 30 July, 2010, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, with a terminal disclaimer and fee and a reply in the form of fees due 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.[1]

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).[2] 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.[3]))

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.

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 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.

[3] 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.

Application No. 29/350,397

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.

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[4]) 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

[4] 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

STEVEN N. FOX, ESQ.
62 SOUTH MAIN STREET
SHARON MA 02067

MAILED

JAN 06 2011

OFFICE OF PETITIONS

In re Application of
David Hsu
Application No. 29/350,446
Filed: November 17, 2009
Attorney Docket No. 2009-231

DECISION DISMISSING PETITIONS
UNDER 37 CFR 1.313(c) AND
37 CFR 1.137(b)

This is a decision on the petition filed November 27, 2010, which is being treated under 37 CFR 1.313(c) requesting withdrawal of the above-identified application from issue. This is also a decision on the petition under 37 CFR 1.137(b) to revive the above identified application.

The petition under 37 CFR 1.313(c) is **DISMISSED** as Moot.

The petition under 37 CFR 1.313(c) is dismissed as moot in view of the filing of the petition under 37 CFR 1.137(b) as the application is abandoned. Additionally, the petition is not in compliance with the provisions of 37 CFR 1.313(c).

Petitioner may request a refund of the petition fee under 37 CFR 1.313(c), by writing to the Office of Finance, Refund Section. A copy of this decision should accompany the request.

As to the petition 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.

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).

As to item (1), the application became abandoned for failure to timely pay the issue fee. 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. See MPEP 711.03(c)(III)(A)(1). Further, the filing of a Continued Patent Application should be submitted to consider the petition under 37 CFR 1.48 filed on November 27, 2010.

As to 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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MAILED

MAR 14 2011

OFFICE OF PETITIONS

STEVEN N. FOX, ESQ.
62 SOUTH MAIN STREET
SHARON MA 02067

In re Application of
David Hsu
Application No. 29/350,446
Filed: November 17, 2009
Attorney Docket No. 2009-231

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 14, 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.

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).

As to item (1), Petitioner was advised in the decision mailed January 6, 2011, that the application became abandoned for failure to timely pay the issue fee. 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. See MPEP 711.03(c)(III)(A)(1).

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 26 2011

OFFICE OF PETITIONS

STEVEN N. FOX, ESQ.
62 SOUTH MAIN STREET
SHARON MA 02067

In re Application of	:	
David Hsu	:	
Application No. 29/350,446	:	ON PETITION
Filed: November 17, 2009	:	
Attorney Docket No. 2009-231	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 6, 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 issue fee has been paid. As stated in the decision mailed March 14, 2011, 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. See MPEP 711.03(c)(III)(A)(1).

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) 272-3208.

This application is being referred to Technology Center AU 2914 for processing of the CPA.

/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

CROSSLEY PATENT LAW
236 South Third Street
#287
MONTROSE CO 81401

MAILED

JUL 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Michael MCCULLOUGH	:	
Application No. 29/350,509	:	DECISION ON PETITION
Filed: 11/18, 2009	:	
Attorney Docket No. 09-11-17.1DA	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 20, 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 non-final Office action mailed, April 29, 2010, 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 July 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 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).

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 2917 for processing.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120208

DATE : February 08, 2012

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D639429

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
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DIW Jan-11

CHAN LAW GROUP LLP
1055 W. 7TH ST,
SUITE 1880
LOS ANGELES CA 90017

MAILED
JAN 12 2011
OFFICE OF PETITIONS

In re Application of :
Jack Po-Shou Lin :
Application Number: 29/350612 : ON PETITION
Filed: 11/19/2009 :
Attorney Docket Number: :
0901.712 :

This is a decision on the petition under 37 CFR 1.137(b) filed on November 16, 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 on September 26, 2010 for failure to timely file a substitute oath or declaration as required by the Notice of Allowability For A Design Application mailed on June 25, 2010, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on November 4, 2010.

The petition is dismissed because the terminal disclaimer is not properly signed. Specifically, the registered attorney or agent who signed the terminal disclaimer is not an attorney or agent of record.

The terminal disclaimer is signed by registered patent practitioner Lisa A. Karczewski, Reg. No. 53,096, as attorney or agent of record. A review of Office records indicates that attorney Karczewski is not an attorney or agent of record. On November 18, 2010, a power of attorney and statement under 37 CFR 3.73(b) were filed, requesting a power of attorney by the assignee of record of the entire interest. The statement under § 3.73(b), however, is incomplete in that the assignee has not

completed Block A or B thereon. As such, the assignee has not stated it is the assignee of the entire right, title, and interest in the patent application identified above, by virtue of either (A) an assignment from the inventor(s) of the patent application/patent identified above, and identified the Reel and Frame number at which the assignment has been recorded, or provided a copy of the assignment, or (B) set forth the chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee. Further, petitioner has not stated that the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

A renewed petition must be filed, accompanied by a properly completed Statement under 37 CFR 3.73(b), and/or Terminal Disclaimer.

Furthermore, the Revocation and Power of Attorney filed on November 18, 2010, cannot be accepted because the Statement Under 37 CFR 3.73(b) is incomplete, as identified above.

A copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address 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 FAX:
(571) 273-8300
Attn: Office of Petitions

By hand:
Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

A reply may also be filed via the EFS-Web system.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:

LISA A. KARCZEWSKI
1055 WEST 7TH STREET, SUITE 1880
LOS ANGELES CA 90017-2544

UNITED STATES 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

MAR 08 2011

OFFICE OF PETITIONS

In re Application of :
Jack Po-Shou Lin :
Application Number: 29/350,612 : DECISION ON PETITION
Filing Date: 11/19/2009 :
Attorney Docket Number: :
0901.712 :

This is a decision on the renewed petition filed on January 20, 2011, under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on September 26, 2010, for failure to timely file a substitute oath or declaration as required by the Notice of Allowability For A Design Application mailed on June 25, 2010, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on November 4, 2010. The petition filed on November 16, 2010 was dismissed on January 12, 2011. The subject renewed petition was filed on January 20, 2011.

Receipt of the substitute declaration filed on November 16, 2010, is acknowledged.

The terminal disclaimer filed on January 20, 2011, 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 January 20, 2011, will be equivalent

[1] 65 Fed. Reg. 54,674 (2000).

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.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GALLAGHER & DAWSEY CO., L.P.A.
P.O. BOX 785
COLUMBUS OH 43216

MAILED

OCT 15 2010

OFFICE OF PETITIONS

In re Application of	:	ON PETITION
Henry, Lowell M.	:	
Application No. 29/350,628	:	
Filed: November 20, 2009	:	
Attorney Docket No. GAME-051006.007	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 10, 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 Replacement Drawings, (2) the petition fee of $810.00, (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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Caterpillar Inc.
Intellectual Property Dept.
AH 9510
100 N.E. Adams Street
PEORIA IL 61629-9510

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of :
Nickels et al. :
Application No. 29/350,777 : DECISION ON PETITION
Filed: November 23, 2009 :
Attorney Docket No. 09-490 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 11, 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 Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed August 20, 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 October 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 an amendment , (2) the petition fee of $1,620.00, (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 respond to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed August 20, 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 (571 272-3230.

This application is being referred to Technology Center AU 2916 for further processing in accordance with this decision on petition.

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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Caterpillar Inc.
Intellectual Property Dept.
AH 9510
100 N.E. Adams Street
PEORIA IL 61629-9510

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of :
Nickels et al. :
Application No. 29/350,780 : DECISION ON PETITION
Filed: November 23, 2009 :
Attorney Docket No. 09-490 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 11, 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 Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed August 20, 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 October 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 an amendment , (2) the petition fee of $1,620.00, (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 respond to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed August 20, 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 (571 272-3230.

This application is being referred to Technology Center AU 2916 for further processing in accordance with this decision on petition.

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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MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED
SEP 19 2011
OFFICE OF PETITIONS

In re Application of	:	
DAVIS	:	
Application No. 29/350,859	:	ON PETITION
Filed: November 24, 2009	:	
Attorney Docket No. 41202-501F01US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 29, 2010. 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). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is June 30, 2011. A Notice of Abandonment was mailed August 9, 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 that *prima facie* places the application in condition for allowance; (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).

The Terminal Disclaimer filed August 19, 2011, is accepted and has been made of record.

The Amendment received with the petition filed August 19, 2011, was approved by Examiner Susan Krakower.

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 the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2917 for further processing in the normal course of business.

/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

Decision Date : October 27,2011

In re Application of :

Stewart Scott-Curran

Application No : 29350991

Filed : 25-Nov-2009

Attorney Docket No : 2465-9388US

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 October 27,2011

The request is **APPROVED.**

The request was signed by Edgar R. Cataxinos (registration no. 39931) on behalf of all attorneys/agents associated with Customer Number 65857 . All attorneys/agents associated with Cusotmer Number 65857 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	NIKE, INC.
Name2	
Address 1	ONE BOWERMAN DRIVE
Address 2	
City	BEAVERTON
State	OR
Postal Code	97005-6453
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	29350991
Filing Date	25-Nov-2009
First Named Inventor	Stewart Scott-Curran
Art Unit	2916
Examiner Name	RASHIDA JOHNSON
Attorney Docket Number	2465-9388US
Title	SPORTS JERSEY

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 65857

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	NIKE, INC.
Address	ONE BOWERMAN DRIVE
City	BEAVERTON
State	OR
Postal Code	97005-6453
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Edgar R. Cataxinos/
Name	Edgar R. Cataxinos
Registration Number	39931

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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SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of :
Eric JURGENS :
Application No. 29/351,034 : DECISION ON PETITION
Filed: November 30, 2009 :
Attorney Docket No. 048141.045US :

This is a decision on the petition, filed July 30, 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**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 11, 2009. 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 February 12, 2010.

Petitioner asserts that the Office action dated December 11, 2009 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 practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

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. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to the Office of Patent Application Processing for re-mailing the Office action of December 11, 2009. The period for reply will run from the mailing date of the Office action.

Thurman K. Page
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Todd Anthony Daley et al. :
Application No. 29/351,057 : DECISION REFUSING STATUS
Filed: November 30, 2009 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 2944-161 :

This is in response to the petition under 37 CFR 1.47(a), filed May 17, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 30, 2009 without a without a signed declaration. Accordingly, on December 15, 2009, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the present petition was filed. Petitioners seek status under 37 CFR 1.47(a) because while an article sent to joint inventor Daley was returned undeliverable, and because upon information and belief, "Mr Daley has left Australia to travel overseas and he is not able to be contacted while overseas."

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

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

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

(3) the petition fee; and

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

The present petition lacks items (1).

Petitioners must present a showing that diligent efforts have been made to locate the non-signing inventor.[1] Petitioners claim that Mr. Daley no longer lives at the last known address to which the application materials were sent, and subsequently returned as undeliverable. Petitioners must however provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate Mr. Daley, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate him, send or give a copy of the application papers to him, and request that he sign and return the declaration. If repeated attempts to contact Mr. Daley by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that Mr. Daley cannot be found despite diligent efforts.

If Mr. Daley refuses in writing to sign the declaration, petitioners should provide a copy of that written refusal with any renewed petition. If a verbal refusal to sign is made to a person, details should be given in an affidavit or declaration of facts by a person having first hand knowledge of the facts of refusal.

If it is found that joint inventor Daley is residing at a different address than that listed in the initial petition, petitioners should provide a new statement of the last known address in a renewed petition.

Finally, since it was not included with the petition, the fee for the petition under 37 CFR 1.47(a) in the amount of $200 has been charged to deposit account no. 02-2135 per the authorization contained in the petition.

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

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

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1] MPEP 409.03(d).

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SUITE 800
WASHINGTON DC 20005

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FEB 10 2011

OFFICE OF PETITIONS

In re Application of
Todd Anthony Daley et al.
Application No. 29/351,057
Filed: November 30, 2009
Attorney Docket No. 2944-161

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This decision is in response to the request for reconsideration filed February 1, 2011 under 37 CFR 1.47(a),

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 30, 2009 without a without a signed declaration. Accordingly, on December 15, 2009, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, a petition was filed May 17, 2010 seeking status under 37 CFR 1.47(a) but was dismissed in a decision mailed October 1, 2010 because while an article sent to joint inventor Daley was returned undeliverable, and because upon information and belief, "Mr Daley has left Australia to travel overseas and he is not able to be contacted while overseas", petitioners did not provide evidence that diligent efforts had been made to locate non-signing inventor Daley.[1]

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

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

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

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[1] MPEP 409.03(d).

(3) the petition fee; and
(4) a statement of the last known address of the non-signing inventor.

Comes now petitioner with the instant request for reconsideration, a two month extension of time and fee, and an Oath or Declaration signed by joint inventor Summers in his own stead and by joint inventor Coles in his own stead and on behalf of non-signing inventor Daley. The present petition still lacks items (1) and lacks compliance with item (2).

As noted in the previous decision mailed October 1, 2010, Petitioners must present a showing that diligent efforts have been made to locate the non-signing inventor.[2]

Petitioners claim that Mr. Daley no longer lives at the last known address to which the application materials were sent, and subsequently returned as undeliverable.However, Petitioners have not presented any additional efforts to locate the non-signing inventor and instead in response, have re-submitted the same affidavit of TREVOR NOEL BEADLE dated April 20, 2010.

Petitioners must however provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate Mr. Daley, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate him, send or give a copy of the application papers to him, and request that he sign and return the declaration. If repeated attempts to contact Mr. Daley by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that Mr. Daley cannot be found despite diligent efforts.

If Mr. Daley refuses in writing to sign the declaration, petitioners should provide a copy of that written refusal with any renewed petition. If a verbal refusal to sign is made to a person, details should be given in an affidavit or declaration of facts by a person having first hand knowledge of the facts of refusal.

If it is found that joint inventor Daley is residing at a different address than that listed in the initial petition, petitioners should provide a new statement of the last known address in a renewed petition.

With regards to item (2);

Petitioner is advised that the signature block for a non-signing inventor can be left blank or it can be signed by all joint inventors on behalf of the non-signing inventor. In this case since only joint inventor Coles has signed on behalf of non-signing inventor Daley,

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[2] MPEP 409.03(d).

the declaration filed with the instant petition is defective and therefore unacceptable.

A new oath or declaration in compliance with 37 CFR 1.63 and 1.64, containing the information described in this paragraph, is required.

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

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

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

MAILED
MAY 20 2011
OFFICE OF PETITIONS

In re Application of :
Todd Anthony Daley et al. :
Application No. 29/351,057 : DECISION REFUSING STATUS
Filed: November 30, 2009 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 2944-161 :

This decision is in response to the request for reconsideration filed May 10, 2011 under 37 CFR 1.47(a)[1].

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 30, 2009 without a without a signed declaration. Accordingly, on December 15, 2009, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, a petition was filed May 17, 2010 seeking status under 37 CFR 1.47(a) but was dismissed in a decision mailed October 1, 2010 because while an article sent to joint inventor Daley was returned undeliverable, and because upon information and belief, "Mr Daley has left Australia to travel overseas and he is not able to be contacted while overseas", petitioners did not provide evidence that diligent efforts had been made to locate non-signing inventor Daley.[2] A request for reconsideration filed February 1, 2011, a two month extension of time and fee, and an

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[1] A grantable petition under 37 CFR 1.47(a) requires:
(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and
(4) a statement of the last known address of the non-signing inventor.

[2] MPEP 409.03(d).

Oath or Declaration signed by joint inventor Summers in his own stead and by joint inventor Coles in his own stead and on behalf of non-signing inventor Daley was dismissed in a decision mailed February 10, 2011 because the petition still lacked compliance with items (1) and (2) under 37 CFR 1.47(a).

Comes now petitioner with the instant request for reconsideration and a one month extension of time and while a compliant Oath or Declaration properly executed by joint inventors Summers and Cole, petitioners have not submitted sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventor. The only proof provided was a copy of the delivery confirmation which shows that mail was delivered to the last known address of Mr. Daley.

While petitioners have indicated that mail was delivered to the last known address for joint inventor Daley, petitioners must show proof that a copy of the Application (specification including claims, drawings, if any) and the Declaration were sent or given to the non-signing inventor for review.[3] Petitioners should provide a copy of the cover letter transmitting the application papers to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Status under 37 CFR 1.47(a) cannot be accorded this application until such time as the deficiencies have been cured.

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

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

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[3]MPEP 409.03(d).

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1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of	:
Todd Anthony Daley et al.	:
Application No. 29/351,057	: DECISION REFUSING STATUS
Filed: November 30, 2009	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 2944-161	:

This decision is in response to the request for reconsideration filed June 28, 2011 under 37 CFR 1.47(a)[1].

The petition is GRANTED.

Petitioner has shown, by way of the declaration of Trevor Beadle filed May 10, 2011, that a copy of the Application (specification including claims, drawings, if any) and the Declaration were sent or given to the non-signing inventor for review.[2] Coupled with the evidence previously submitted, the Beadle declaration establishes that non-signing inventor Daley has refused to join in the filing of the above-identified application.

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

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

This matter is being referred to Technology Center 2912 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1]A grantable petition under 37 CFR 1.47(a) requires:
(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and
(4) a statement of the last known address of the non-signing inventor.

[2]MPEP 409.03(d).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/02/11

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29351062 Patent No.: D632086

CofC mailroom date: 04/27/11

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]

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: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

AU: 2911

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PO BOX 230
DEERFIELD IL 60015

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NOV 01 2010

OFFICE OF PETITIONS

In re Application of :
Edward K. Freimuth :
Application No. 29/351,101 : ON PETITION
Filed: November 30, 2009 :
Attorney Docket No. :
VERSATILITYTOOLTURNOVERCA

This is a decision on the petition under 37 CFR 1.137(b), filed October 6, 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 s to timely pay the issue fee on or before June 16, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 16, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 23, 2009. The Notice of Abandonment was mailed September 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(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 the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Williams
Petitions Examiner
Office of Petitions

Enclosed: PTO/SB/63 (Terminal Disclaimer)

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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EDELSON IP LAW GROUP, LTD.
PO BOX 230
DEERFIELD IL 60015

MAILED
JAN 10 2011
OFFICE OF PETITIONS

In re Application of :
Edward K. Freimuth :
Application No. 29/351,101 : ON PETITION
Filed: November 30, 2009 :
Attorney Docket No. :
VERSATILITYTOOLTURNOVERCA

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 10, 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 s to timely pay the issue and publication fees on or before September 16, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 16, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 17, 2010. The Notice of Abandonment was mailed September 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(s) (4).

The terminal disclaimer filed herewith petition cannot be accepted because it was not 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.

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.

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/
Terri Johnson
Petitions Examiner
Office of Petitions

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PO BOX 230
DEERFIELD IL 60015

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MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Edward K. Freimuth :
Application No. 29/351,101 : DECISION ON PETITION
Filed: November 30, 2009 :
Attorney Docket No. VTW-TURNOVER CART :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 9, 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 September 16, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 16, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 17, 2010. A Notice of Abandonment was mailed on September 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 issue fee, (2) the petition fee of $810 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.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for further processing in accordance with this decision on petition.

/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

Patent No. : **D631588**
Ser. No. **29/351102**
Inventor(s) : **BERGMANN, MARTIN**
Issued : **01/25/2011**
Title : **LIGHT**
Docket No. : **MITSP134154**

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.

A Certificate of Correction will be issued for the remaining errors.

Omega Lewis
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703)756-1575 or (703) 756-1814

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

OL

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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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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Patent No. D631588	:	
Application No. 29/351,102	:	
Filed: November 30, 2009	:	ON PETITION
Issued: January 25, 2011	:	
Attorney Docket No. MITSP134154	:	

This is a decision on the petition, filed May 26, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the city of the assignee on the issued patent by way of a 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 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 May 10, 2010, Reel 026252 and Frame 0143 states the assignee's name as "Zumtobel Lighting GMBH, Lemgo, Germany". Therefore, the assignment recorded on May 10, 2011, is 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.

Further, the $130.00 requisite processing fee will be charged to petitioner's deposit account as authorized May 26, 2011.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

[1] *See* Official Gazette of June 22, 2004

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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
KENNETH R. THURM :
Application No. 29/351,186 : ON PETITION
Filed: December 1, 2009 :
Attorney Docket No. **THURM-031D** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 31, 2011, to revive the above-identified application.

This application became abandoned for failure to timely corrected drawings on or before October 4, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 2, 2010. Accordingly, the date of abandonment of this application is October 5, 2010.

The petition 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 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 $70 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
www.uspto.gov

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
KENNETH R. THURM :
Application No. 29/351,186 : ON PETITION
Filed: December 1, 2009 :
Attorney Docket No. **THURM-031D** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 3, 2011, to revive the above-identified application.

This application became abandoned for failure to timely corrected drawings on or before October 4, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 2, 2010. Accordingly, the date of abandonment of this application is October 5, 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 $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
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

DANIEL B. SCHEIN, PH.D., ESQ., INC.
PO BOX 68128
VIRGINIA BEACH, VA 23471

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Application of :
Lawrence Shane Intravatola :
Application No. 29/351,205 : DECISION ON PETITION
Filed: December 2, 2009 :
Attorney Docket No. 10396-95 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 9, 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 September 17, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 17, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 18, 2010. A Notice of Abandonment was mailed on October 1, 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 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

UNITED STATES 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 3, 2011

BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NOS. 003797 & 013797
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of	:	
Shetterly, Jennifer Laurie, et al	:	**DECISION ON PETITION**
Application No. 29/351,233	:	
Filed: 12/02/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 013797.05054	:	***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) December 12, 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 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
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MILLER, MATTHIAS & HULL LLP
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO IL 60606

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of :
Udelhoven :
Application No. 29/351,259 : DECISION ON PETITION
Filed: December 2, 2009 :
Attorney Dkt. No.: 50068/50004D :
:

This is a decision on the petition under 37 CFR 1.137(b), filed January 28, 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.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due as required by the Notice of Allowance which was mailed October 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 January 9, 2011. A Notice of Abandonment was mailed on January 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(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). Petitioner has failed to meet item (4).

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
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MILLER, MATTHIAS & HULL LLP
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO IL 60606

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JUN 03 2011

OFFICE OF PETITIONS

In re Application of
Udelhoven
Application No. 29/351,259
Filed: December 2, 2009
Attorney Dkt. No.: 50068/50004D

: DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 21, 2011, 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 as required by the Notice of Allowance which was mailed October 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 January 9, 2011. A Notice of Abandonment was mailed on January 27, 2011. A petition filed under 37 CFR 1.137(b) on March 8, 2011.

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.

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
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

September 28, 2010

Patent No. : D624,603 S
Appl. No. : 29/351,283
Inventor(s) : Yasushi Shigeta
Issued : September 28, 2010
Title : **PLAYING CARD**
Docket No. : **03125/73**

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 mater, 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 1.117(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
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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.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

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Alexandria, VA 22313-1450
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APR 04 2011

OFFICE OF PETITIONS

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

In re Patent No. D624603 :
Issue Date: September 28, 2010 :
Application No. 29/351,283 : DECISION ON PETITION
Filed: December 3, 2009 :
Attorney Docket No. 03125/73 :

This is a decision on the Request For Issuance To An Assignee And Certificate Of Correction, filed September 22, 2010, which is being treated as a Petition Under 37 CFR §3.81(b), to accept the omission of assignee's name and residence. 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 add the omission of assignee's name and residence on the previously submitted PTOL-85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted assignee's name and residence 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) that was 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. D624603.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 24 2010

OFFICE OF PETITIONS

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

In re Patent No. D624970	:	
Issue Date: October 5, 2010	:	
Application No. 29/351,296	:	DECISION ON PETITION
Filed: December 3, 2009	:	
Attorney Docket No. 03125/74	:	

This is a decision on the Request For Issuance To An Assignee And Certificate Of Correction, filed September 22, 2010, which is being treated as a Petition Under 37 CFR 3.81(b), to accept the omission of the assignee's name and residence. A completed Certificate of Correction Form was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to add the omission of the assignee's name and residence on the previously submitted PTOL-85B. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted assignee's name and residence 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 that accompanied 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 (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. D624970.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120306

DATE : March 6, 2012

TO SPE OF : ART UNIT 2917

SUBJECT : Request for Certificate of Correction on Patent No.: D635084

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: /Philip S. Hyder/ **Art Unit** 2917

UNITED STATES PATENT AND TRADEMARK OFFICE

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BOOTH UDALL, PLLC
1155 WL RIO SALADO PKWY.
SUITE 101
TEMPE, AZ 85281

MAILED

AUG 2 7 2010

OFFICE OF PETITIONS

In re Application of :
Mark Gullickson, et al. :
Application No. 29/351,346 : ON PETITION
Filed: December 3, 2009 :
Attorney Docket No. 1487.003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 4, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

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.

The application became abandoned for failure s to timely pay the issue fee on or before July 9, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 9, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 10, 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:

The application became abandoned for failure to timely pay the issue and publication fee. 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. A review of the record shows that petitioner did provide an authorization to charge the by way of credit card, however the USPTO did not receive the credit card authorization form, nor did petitioner supply a deposit account number for the fees to be charged.

With respect to item 4:

On the other hand, the terminal disclaimer under 37 CFR 1.137(d), filed August 4, 2010 cannot be accepted since it is not signed by an attorney or agent of record.

37 CFR 1.321(b) states:

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark office must:
>
> 1) Be signed:
> (i) By the applicant, or
> (ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or
> (iii) If there is an assignee of record of the entire interest, by such assignee, or
> (iv) By an attorney or agent of record;
> (2) Specify the portion of the term of the patent being disclaimed;
> (3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
> (4) Be accompanied by the fee set forth in §1.20(d).
> (c) A terminal disclaimer, when filed to obviate judicially

In view of the above, an appropriate power of attorney or authorized agent must be submitted.

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

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

BOOTH UDALL, PLLC
1155 WL RIO SALADO PKWY.
SUITE 101
TEMPE, AZ 85281

MAILED

JAN 3 1 2011

OFFICE OF PETITIONS

In re Application of
Mark Gullickson, et al.
Application No. 29/351,346
Filed: December 3, 2009
Attorney Docket No. 1487.003

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 27, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

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.

The application became abandoned for failure s to timely pay the issue fee on or before July 9, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 9, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 10, 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).

The terminal disclaimer under 37 CFR 1.137(d), filed August 4, 2010 cannot be accepted since it is not signed by an attorney or agent of record.

37 CFR 1.321(b) states:

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark office must:
>
> 1) Be signed:
> (i) By the applicant, or
> (ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or
> (iii) If there is an assignee of record of the entire interest, by such assignee, or
> (iv) By an attorney or agent of record;
> (2) Specify the portion of the term of the patent being disclaimed;
> (3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
> (4) Be accompanied by the fee set forth in §1.20(d).
> (c) A terminal disclaimer, when filed to obviate judicially

The terminal disclaimer fails to comply with item 1(iv) above. With regard to item 1(iv) the terminal disclaimer is not signed by an attorney or authorized agent of record. A review of the record shows that no power of attorney was filed in this application.

The petition has been reconsidered and the **decision remains dismissed** until an appropriate power of attorney is filed along with a grantable terminal disclaimer.

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

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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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1155 WL RIO SALADO PKWY.
SUITE 101
TEMPE, AZ 85281

MAILED

AUG 17 2011

OFFICE OF PETITIONS

In re Application of
Mark Gullickson, et al.
Application No. 29/351,346
Filed: December 3, 2009
Attorney Docket No. 1487.003

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

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.

The application became abandoned for failure s to timely pay the issue fee on or before July 9, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 9, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 10, 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).

The terminal disclaimer under 37 CFR 1.137(d), filed July 30, 2011 cannot be accepted since it does not comply with 37 CFR 1.321(b).

37 CFR 1.321(b) states:

> An applicant or assignee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of a patent to be granted. Such terminal disclaimer is binding upon the grantee and its successors or assigns. The terminal disclaimer, to be recorded in the Patent and Trademark office must:
>
> 1) Be signed:
> (i) By the applicant, or
> (ii) If there is an assignee of record of an undivided part interest, by the applicant and such assignee, or
> (iii) If there is an assignee of record of the entire interest, by such assignee, or
> (iv) By an attorney or agent of record;
> (2) Specify the portion of the term of the patent being disclaimed;
> (3) State the present extent of applicant's or assignee's ownership interest in the patent to be granted; and
> (4) Be accompanied by the fee set forth in §1.20(d).
> (c) A terminal disclaimer, when filed to obviate judicially

The terminal disclaimer fails to comply with items 2 and 3 above. With regard to items 2 and 3 the terminal disclaimer is not list the owner nor does it list what percent of interest of the application the owner has.

The petition has been reconsidered and the **decision remains dismissed** until an appropriate terminal disclaimer is filed.

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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THOMAS J. LONSDALE & MATT CONKEY
CYPRESS INDUSTRIES
8027 EXCHANGE DRIVE
AUSTIN TX 78754

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
Mark Gullickson, et al. :
Application No. 29/351,346 : DECISION ON PETITION
Filed: December 3, 2009 :
Attorney Docket No. 1487.003 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 17, 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 July 9, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 9, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 10, 2010. A Notice of Abandonment was mailed on July 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 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy.
Suite 101
Tempe AZ 85281

MAILED
MAY 20 2011
OFFICE OF PETITIONS

In re Application of :
Mark Gullickson et al. :
Application No. 29/351,349 : ON PETITION
Filed: December 3, 2009 :
Attorney Docket No. **1487.013** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 9, 2011, to revive the above-identified application.

The petition is hereby **DISMISSED**.

The application became abandoned for failure to submit formal drawings on or before November 26, 2010, as required by the Notice of Allowability, mailed August 25, 2010. Accordingly, this application became abandoned on November 27, 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).

As to Item 4

The Revocation of Power of Attorney submitted with the petition on May 9, 2011, was not accepted on May 17, 2011, due to the reason that the signatures of all the inventors were omitted. Accordingly, since the Power of Attorney is not accepted the terminal disclaimer filed concurrently with the instant petition can not been approved at this time, it is considered as not been signed by a person having power of attorney or by an authorized agent who has power to prosecute the application. 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 with a new terminal disclaimer.

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
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Alexandria, VA 22313-1450
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1155 W. Rio Salado Pkwy.
Suite 101
Tempe AZ 85281

MAILED

AUG 04 2011

OFFICE OF PETITIONS

In re Application of :
Mark Gullickson et al. :
Application No. 29/351,349 : ON PETITION
Filed: December 3, 2009 :
Attorney Docket No. **1487.013** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2011, to revive the above-identified application.

The petition is hereby **DISMISSED**.

The application became abandoned for failure to submit formal drawings on or before November 26, 2010, as required by the Notice of Allowability, mailed August 25, 2010. Accordingly, this application became abandoned on November 27, 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).

As to Item 4

As stated in the previous decision of May 20, 2011, a new terminal disclaimer is required with an appropriate power of attorney. However, it is noted that a power of attorney was filed with the instant petition and has been accepted on July 29, 2011. Accordingly, petitioner has failed to file the new terminal disclaimer as required by the previous decision of May 20, 2011. Therefore, the petition cannot be granted at this time until the new terminal disclaimer is filed.

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
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www.uspto.gov

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Suite 101
Tempe AZ 85281

MAILED

OCT 20 2011

OFFICE OF PETITIONS

In re Application of :
Mark Gullickson et al. :
Application No. 29/351,349 : ON PETITION
Filed: December 3, 2009 :
Attorney Docket No. **1487.013** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2011 and supplemented on October 19, 2011, to revive the above-identified application.

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.

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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Heenan Blaikie LLP
Bay Adelaide Centre
333 Bay Street, Suite 2900
P.0. Box 2900
Toronto ON M5H 2T4 CA CANADA

MAILED

JUN 03 2011

OFFICE OF PETITIONS

In re Application of :
Shaul Goldenberg :
Application No. 29/351358 :
Filing or 371(c) Date: 12/04/2009 : ON PETITION
Attorney Docket Number: 051986-0049 :

This is a decision on the Petition to Revive an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed February 24, 2011.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application 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 "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed March 29, 2010. The Office communication set one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on April 30, 2010. A Notice of Abandonment was mailed February 16, 2011.

The present petition

Applicant/Petitioner files the present petition and provides that on July 9, 2010, a reply to the Office action was communicated to the Examiner orally in a telephone conversation, wherein an Election of group I, Embodiment I was made for further examination. Petitioner provided that the Examiner indicated at that time that no written submission was required. Petitioner cites to the Manual of Patent Examining Procedure ("MPEP"), section 812.01 entitled "Telephone Restriction Practice," and the provision "...When an oral election is made, the Examiner will

then proceed to incorporate into the Office action a formal restriction requirement, including the date of election, the attorney's or agents name, and a complete record of the telephone interview...."

Applicant provides further that it was expected that the application would proceed in this manner. However, Applicant instead received a Notice of Abandonment. Upon receipt of the Notice of Abandonment, Applicant contacted the Examiner by telephone and requested clarification; however, the Examiner responded that she had no recollection of a telephone conversation that took place on July 9, 2010, and no recollection that a bona fide election was made. Applicant provides that a note to Applicant's file was made, confirming that an oral election was made.

Applicant concludes that this misunderstanding resulted in the unavoidable abandonment of the application.

A Grantable Petition Under 37 CFR 1.137(a)

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); (**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(c).

Applicant lacks item (**3**) as set forth above.

Applicable Law, Rules and MPEP

As to item (**1**), Applicant asserts that a Notice of Appeal and Fee have been filed; however, as noted *supra*, Office records reveal that the credit card submitted for payment of the fee for filing of the Notice of Appeal, was declined.

As to item (**3**), Applicant must provide *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. In order to determine whether the delay was unavoidable, the courts have adopted a "reasonably prudent person" standard. The courts have provided that:

> [t]he 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.

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).

"The critical phrase 'unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable' has remained unchanged since first enacted in 1861." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The standard for "unavoidable" delay for reinstating a patent is the same as the unavoidable standard for reviving an application. See Ray v. Lehman, 55 F.3d 606, 608-609, 34 U.S.P.Q.2d (BNA) 1786, 1787 (Fed. Cir. 1995) (citing In re patent No. 4,409,763, 7 U.S.P.Q.2d (BNA) 1798, 1800 (Comm'r Pat. 1990; Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The court in In re Mattullath, accepted the standard which had been proposed by Commissioner Hall which "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." In re Mattullath, 38 App. D.C. 497, 514-515 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)). However, "The question of whether an applicant's delay in prosecuting an application was unavoidable [will] be decided on a case-by-case basis, taking all of the facts and circumstances into account."[1] Nonawareness of the content of, or a misunderstanding of, PTO statutes, PTO rules, the MPEP, or Official Gazette notices, does not constitute unavoidable delay.[2]

The statute requires a "showing" by petitioner. Therefore, petitioner has the burden of proof. The decision will be based solely on the written, administrative record in existence. It is not enough that the delay was unavoidable; petitioner must prove that the delay was unavoidable. A

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[1] Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

[2] See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D. D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute "unavoidable" delay)); Vincent v. Mossinghoff, 1985 U.S. Dist. LEXIS 23119, 13, 230 U.S.P.Q. (BNA) 621 (D. D.C. 1985) (Plaintiffs, through their counsel's actions, **or their own**, must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications.) (Emphasis added).

petition will not be granted if petitioner provides insufficient evidence to "show" that the delay was unavoidable.

Petitioner's attention is directed to 37 CFR § 1.2, Business to be transacted in writing, which states:

> *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.* (Emphasis supplied).

Office records

A review of Office records reveals that no record of the election putatively made on July 9, 2010 is contained within the Office communication mailed July 9, 2010.

Analysis

Applicant here asserts that the delay in responding to the Office action was unavoidable because there was a misunderstanding that resulted in the unavoidable abandonment of the application. However, Office records reveal that the Office did not receive a reply to the Office communication mailed July 9, 2010. Applicant is advised that the USPTO file is the official record of the papers actually received or filed.

Applicant also notes that the Examiner has no recollection that a bona fide election was made. As stated in 37 CFR 1.2, all business should be transacted in writing, and no attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Conclusion

Applicant has failed to demonstrate that a complete and proper reply to the Office communication was filed, and that the failure to timely and properly reply to the Office action was unavoidable.

Alternate venue

Applicant is strongly urged to 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 was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

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 petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

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

By mail: Director for Patents
PO 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 concerning *this matter* should be directed to attorney Derek Woods at (571) 272-3232. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center[3].

/DLW/

Derek L. Woods
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 CFR 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

Heenan Blaikie LLP
Bay Adelaide Centre
333 Bay Street, Suite 2900
P.O. Box 2900
Toronto ON M5H 2T4 CA CANADA

MAILED

JUL 22 2011

OFFICE OF PETITIONS

In re Application of :
Shaul Goldenberg :
Application No. 29/351358 :
Filing or 371(c) Date: 12/04/2009 : ON PETITION
Attorney Docket Number: 051986-0049 :

This is a decision on the Petition to Revive an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), filed June 23, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed March 29, 2010. The Office communication set one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on April 30, 2010. A Notice of Abandonment was mailed February 16, 2011.

Applicant files the present petition and response to the Office communication. 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 a response to the Restriction/Election Requirement; (2) the petition fee; (3) the required statement of unintentional delay, and (4) a terminal disclaimer and Fee, are filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center Art Unit 2914 for processing of the response in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Norduyn Inc.
Attn.: Intellectual Property Department
6200 Henri-Bourassa West
4198 Marcil ave.
Montreal QC H4R 1C3 CA CANADA

MAILED
AUG 30 2011
OFFICE OF PETITIONS

In re Application of :
Mathieu Boivin et al. :
Application No. 29/351,396 : ON PETITION
Filed: December 4, 2009 :
Attorney Docket No. **MTC-025-011-US1** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2011, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue fee on or before July 27, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 27, 2011. Accordingly, the date of abandonment of this application is July 28, 2011.

The petition 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 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 $70 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.

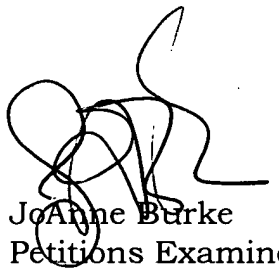
Further correspondence with respect to this matter should be addressed as follows:

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
www.uspto.gov

Norduyn Inc.
Attn.: Intellectual Property Department
6200 Henri-Bourassa West
4198 Marcil ave.
Montreal QC H4R 1C3 CA CANADA

MAILED

SEP 16 2011

OFFICE OF PETITIONS

In re Application of :
Mathieu Boivin et al. :
Application No. 29/351,396 : ON PETITION
Filed: December 4, 2009 :
Attorney Docket No. **MTC-025-011-US1** :

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.

This application became abandoned for failure to timely pay the issue fee on or before July 27, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 27, 2011. Accordingly, the date of abandonment of this application is July 28, 2011.

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.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01-31-11

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/351424 Patent No.: D619608

CofC mailroom date: 01-17-11

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

A C Green

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.

☑ **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: Please publish Replacement sheet drawings of 1/11/11 from SCORF. KK

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER
SPE 2911 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

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

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Gail . Atkin et al	:	DECISION GRANTING PETITION
Application No. 29/351,521	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 7, 2009	:	
Attorney Docket No. 70452P012	:	

This is a decision on the renewed petition under 37 CFR 1.313(c)(3), filed February 28, 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 January 20, 2011 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 28, 2011.

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

This matter is being referred to Technology Center AU 2915 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

Commissioner for Patents
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Alexandria, VA 22313-1450
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FEB 28 2011

OFFICE OF PETITIONS

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

In re Application of
Gail V. Atkin et al
Application No. 29/351,521
Filed: December 7, 2009
Attorney Docket No. 70452P012

: DECISION ON PETITION
: UNDER 37 CFR 1.313(c)

This is a decision on the petition under 37 CFR 1.313(c), filed February 25, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

The petition to withdraw from issue is accompanied by a request for continued examination (RCE) under 37 CFR 1.114. However, the filing of an RCE is improper in a design application. In this regard, petitioner's attention is directed to 37 CFR 1.114(e), which states that the provisions of this section do not apply if the application is:

(1) A provisional application;
(2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995;
(3) An international application filed under 35 U.S.C. 363 before June 8, 1995;
(4) An application for a design patent; or
(5) A patent under reexamination.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:
(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or
(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.
Accordingly, the petition must be dismissed as failing to comply with the provisions of 37 CFR 1.313(c)(3).

Petitioner's attention is directed to 37 CFR 1.53(d), which states:

(1) A continuation or divisional application (but not a continuation-in-part) of a prior nonprovisional application may be filed as a continued prosecution application under this paragraph, provided that:

(i) The application is for a design patent;

(ii) The prior nonprovisional application is a design application that is complete as defined by § 1.51(b); and

(iii) The application under this paragraph is filed before the earliest of:

(A) Payment of the issue fee on the prior application, unless a petition under § 1.313 is granted in the prior application;

(B) Abandonment of the prior application; or

(C) Termination of proceedings on the prior application.

Accordingly, the appropriate avenue of relief for a grantable petition to withdraw this design application from issue would be to file either a continued prosecution application (CPA) under 37 CFR 1.53(d) or a continuing application under 37 CFR 1.53(b). Any request for reconsideration should be entitled "Renewed Petition under 37 CFR 1.313(c)(3) and be accompanied by a request for a CPA under 37 CFR 1.53(d) or a statement of express abandonment in favor of a concurrently filed continuing application under 37 CFR 1.53(d).

Petitioner is reminded that the renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the appropriate documents (*i.e.*, the renewed petition and CPA request) for withdrawing this application from issue.

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) 273-0025**
Office of Petitions

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

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK NY 10177

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
Erin Kang :
Application No. 29/351,736 : ON PETITION
Filed: December 10, 2009 :
Attorney Docket No. **P201208.US.01 - 454081-30** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2010, to revive the above-identified application.

The application became abandoned for failure to submit formal drawings on or before September 15, 2010, as required by the Notice of Allowability, mailed June 16, 2010. Accordingly, this application became abandoned on September 16, 2010.

The petition 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 Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) and (4).

As to item (1)

The drawings filed concurrently with the instant petition lack the labeling "Replacement Sheet" for compliance with 37 CFR 1.84(c) and 37 CFR 1.121(d) required by the Notice. This application can not be granted until the item noted above is corrected.

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
www.uspto.gov

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK NY 10177

MAILED
MAR 01 2011
OFFICE OF PETITIONS

In re Application of :
Erin Kang :
Application No. 29/351,736 : ON PETITION
Filed: December 10, 2009 :
Attorney Docket No. **P201208.US.01 - 454081-30** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 13, 2011, to revive the above-identified application.

The application became abandoned for failure to submit formal drawings on or before September 15, 2010, as required by the Notice of Allowability, mailed June 16, 2010. Accordingly, this application became abandoned on September 16, 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 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
www.uspto.gov

MAILED

MAR 16 2011

OFFICE OF PETITIONS

MEDLINE INDUSTRIES INC
ONE MEDLINE PLACE
MUNDELEIN IL 60060

In re Application of :
Hampton et al. :
Application No. 29/351,750 : ON PETITION
Filed: December 10, 2009 :
Attorney Docket: 10098D :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 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.

This above-identified application became abandoned for failure to file a complete response to a Notice of Omitted Item(s) in a Nonprovisional Application, which was mailed on December 23, 2009. The Notice set an extendable two (2) month period for reply. No timely extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 24, 2010. A Notice of Abandonment was mailed on September 2, 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). A terminal disclaimer and the $140/$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)(II)(C) and (D). The instant petition lacks item(s) (1) and (4).

As to item (1) petitioner has failed to submit a complete reply to the Notice of Omitted Item(s). The Notice required petitioner to indicate the manner in which the omitted figures 8 should be treated. The submission of the substitute specification alone is not a complete reply to the Notice. On renewed petition, petitioner should review the Notice and indicate which option (I, II, or III)

applicant wishes to make. To the extent petitioner wishes to accept option III, petitioner must submit the documents referenced in III (A)(2)(a) and (c) as indicated in the Notice.

As to item (4), a terminal disclaimer and terminal disclaimer fee 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 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.**

Correspondence may also be submitted via EFS-Web.

Telephone inquiries concerning this decision 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

MEDLINE INDUSTRIES INC
ONE MEDLINE PLACE
MUNDELEIN IL 60060

MAILED

MAY 03 2011

OFFICE OF PETITIONS

In re Application of :
Hampton et al. :
Application No. 29/351,750 : DECISION ON PETITION
Filed: December 10, 2009 :
Attorney Docket No. 10098D :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 5, 2011, to revive the above-identified application.

The petition is **GRANTED.**

This above-identified application became abandoned for failure to file a complete response to a Notice of Omitted Item(s) in a Nonprovisional Application, which was mailed on December 23, 2009. The Notice set an extendable two (2) month period for reply. No timely extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 24, 2010. A Notice of Abandonment was mailed on September 2, 2010. A petition filed under 37 CFR 1.137(b) was dismissed on March 15, 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 substitute specification and statement pursuant to 37 CFR 1.125 (2) the petition fee of $1620, (3) a proper statement of unintentional delay and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)).

A review of the record shows that a duplicate petition fee was submitted and will be refunded.

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

Telephone inquiries concerning this decision 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
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LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON KY 40550-0999

MAILED

JUL 08 2011

OFFICE OF PETITIONS

In re Application of:	:	
Butler et al.	:	DECISION DISMISSING
Application No.: 29/351827	:	PETITION UNDER
Filing or 371(c) Date: 12/11/2009	:	37 CFR 1.47(a)
Title of Invention:	:	
TRI-COLOR TANK WITH	:	
SERPENTINE AIR VENTS	:	

This Decision is in response to the "Petition on Behalf of a Non-Signing inventor 37 CFR 1.47, by way of a Legal Representative of a Decedent under 35 U.S.C. § 117, including Affidavit," filed May 16, 2011, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The petition is properly treated under 37 CFR 1.183, to waive the requirements of 37 CFR 1.67, that all inventors execute a supplemental oath or declaration.

47(a).

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Background

The above-identified application was filed on December 11, 2009, and included an oath/declaration. The oath/declaration, however, did not identify the country of citizenship of each inventor, and did not identify the residence of each inventor, nor did Applicant file a Application Data Sheet identifying the residence of each inventor. In an Office action mailed December 17, 2010, the Examiner required a new (supplemental) oath/declaration correcting the noted deficiencies in the oath/declaration.

The present petition

Applicant responded to the Office action with an oath/declaration and provides that as to inventor David Greer, he passed away, and his legal representative refuses to sign a supplemental oath/declaration. In support of this assertion, Applicant provides that the legal representative of inventor Greer, Rita Greer, spoke with Applicant's representative and petitioner herein, and was made aware of the objection regarding the oath, and told petitioner that she would re-execute the documents, including the oath, on behalf of her husband. Petitioner provides further that he sent an email to Ms. Greer's place of business at Ms. Greer's request, dated April 29, 2011, asking her to re-execute the oath. No response from Ms. Greer having been received, petitioner, sent a follow-up inquiry on May 5, 2011 via email to Ms. Greer's place of business. Two follow-up phone calls were made to Ms. Greer; however, neither call has been returned.

Applicant files the present petition and an oath or declaration executed by inventor Christopher Paradoes. Applicant provides that there are four nonsigning inventors. Of the four nonsigning inventors, two of the nonsigning inventors are un-locatable, and two of the nonsigning inventors have not responded to email sent to their last known email addresses.

Applicable Law, Rules and MPEP

The MPEP 601.05 provides, in relevant part, that

if the oath or declaration under 37 CFR 1.63 incorrectly sets forth the citizenship of one of the inventors, that inventor must submit a supplemental oath or declaration under 37 CFR 1.67 with the correct citizenship notwithstanding the correct identification of the citizenship in an application data sheet or supplemental application data sheet.

37 CFR 1.67 states, in pertinent part:

> (a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of §1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.
>
> > (2) Deficiencies or inaccuracies relating to fewer than all of the inventor(s) or applicant(s) (§§ 1.42, 1.43 or § 1.47) may be corrected with a supplemental oath or declaration identifying the entire inventive entity but signed only by the inventor(s) or applicant(s) to whom the error or deficiency relates.

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires."

In discussing waiver requirements under 37 CFR 1.183, the Office is guided by proof similar to that required when an Applicant is unavailable. In this instance, Applicant asserts 1) that Ms. Greer is the legal representative of one of several inventors who have all the sole inventor is

inventor Aronson, and 2) inventor Aronson refuses to join in the application. As such, the applicable rule is 37 CFR 1.47(a).

Applicable Law, Rules and MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) and (2) set forth above.

As to item (1), Applicant is advised that 37 CFR 1.47(a) requires proof that non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings).

Where it is alleged that the nonsigning inventor refuses to join in the application, the MPEP provides

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

MPEP 409.03(d).

In this instance, Applicant asserts that Ms Greer refuses to sign the supplemental oath/declaration; however, petitioner has not demonstrated that a copy of the application papers were sent to the last known address of Ms. Greer. The MPEP further provides

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

MPEP 409.03(d).

Petitioner must demonstrate that a bona fide effort was made to present Ms. Greer with a copy of the application papers.

As to item (2), a review of the oath/declaration filed February 24, 2010 reveals that the citizenship of inventors Buchanan, Campbell, Bush and Lingle are also missing from the oath/declaration.

Applicant has also not filed a supplemental oath/declaration that addresses the deficiencies with inventors Buchanan, Campbell, Bush or Lingle.

A corrected supplemental oath or declaration identifying the entire inventive entity but signed only by the inventor(s) or applicant(s) to whom the error or deficiency relates, is required.

Conclusion

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of the petition decision and include, as to Ms. Greer, the necessary statements and/or showings as iterated supra, and as to inventors Buchanan, Campbell, Bush and Lingle, a corrected supplemental oath or declaration identifying the entire inventive entity, but signed only by the inventor(s) or applicant(s) to whom the error or deficiency relates.

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

By mail:	Director for Patents PO 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 concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
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SEP 09 2011

OFFICE OF PETITIONS

In re Application of:	:	
Butler et al.	:	DECISION DISMISSING
Application No.: 29/351827	:	PETITION UNDER
Filing or 371(c) Date: 12/11/2009	:	37 CFR 1.47(a)
Title of Invention:	:	
TRI-COLOR TANK WITH	:	
SERPENTINE AIR VENTS	:	

This Decision is in response to the "Response to Dismissed Petition," filed August 26, 2011. The response is properly treated as a renewed petition under 37 CFR 1.183, to waive the requirements of 37 CFR 1.67, that all inventors execute a supplemental oath or declaration.

The renewed petition is **dismissed**.

Petitioner is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Background

The above-identified application was filed on December 11, 2009, and included an oath/declaration. The oath/declaration, however, did not identify the country of citizenship of each inventor, and did not identify the residence of each inventor, nor did Applicant file a Application Data Sheet identifying the residence of each inventor. In an Office action mailed December 17, 2010, the Examiner required a new (supplemental) oath/declaration correcting the noted deficiencies in the oath/declaration.

The May 16, 2011 petition

Applicant filed a petition on May 16, 2011 and included an oath/declaration, and provided as to inventor David Greer, that he had passed away, and his legal representative refused to sign a

supplemental oath/declaration. In support of this assertion, Applicant provided that the legal representative of inventor Greer, Rita Greer, had spoken with Applicant's representative and petitioner herein, and was made aware of the objection regarding the oath, and told petitioner that she would re-execute the documents, including the oath, on behalf of her husband. Petitioner provided further that he had sent an email to Ms. Greer's place of business at Ms. Greer's request, dated April 29, 2011, asking her to re-execute the oath. No response from Ms. Greer having been received, petitioner, sent a follow-up inquiry on May 5, 2011 via email to Ms. Greer's place of business. Two follow-up phone calls were made to Ms. Greer; however, neither call had been returned.

Applicant files the petition and an oath or declaration executed by inventor Christopher Paradoes. Applicant provided that there are four nonsigning inventors. Of the four nonsigning inventors, two of the nonsigning inventors are un-locatable, and two of the nonsigning inventors had not responded to email sent to their last known email addresses.

The July 8, 2011 Decision dismissing the petition

The petition was dismissed in a Decision mailed July 8, 2011. The Decision dismissing the petition required, as to Ms. Greer, a showing that a bona fide effort was made to present Ms. Greer with a copy of the application papers. Petitioner was advised to mail a copy of the application to Ms. Greer. As to inventors Buchanan, Campbell, Bush and Lingle, the citizenship of each of these inventors was missing from the oath/declaration. A corrected supplemental oath or declaration identifying the entire inventive entity, but signed only by the inventor(s) or applicant(s) to whom the error or deficiency related, was required.

The present renewed petition

Petitioner files the present renewed petition and includes an oath/declaration which includes the citizenship of inventors Buchanan, Campbell, Bush and Lingle, and is signed by inventors Buchanan, Campbell, Bush and Lingle.

However, there is no showing that the application papers were presented to Ms. Greer.

Applicable Law, Rules and MPEP

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires."

In discussing waiver requirements under 37 CFR 1.183, the Office is guided by proof similar to that required when an Applicant is unavailable. In this instance, Applicant asserts 1) that Ms. Greer is the legal representative of one of several inventors who have all the sole inventor is inventor Aronson, and 2) inventor Aronson refuses to join in the application. As such, the applicable rule is 37 CFR 1.47(a).

Applicable Law, Rules and MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

Analysis

As to item (1), Applicant has failed to demonstrate that Ms. Greer has been presented with a copy of the application papers. The MPEP provides

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

MPEP 409.03(d).

Petitioner must demonstrate that a bona fide effort was made to present Ms. Greer with a copy of the application papers.

Conclusion

The renewed petition is dismissed without prejudice. Applicant should file a request for reconsideration of the petition decision and demonstrate that Ms. Greer has been presented with a copy of the application papers.

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

By mail:	Director for Patents PO 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 concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

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OCT 19 2011

OFFICE OF PETITIONS

In re Application of:	:	
Butler et al.	:	DECISION GRANTING
Application No.: 29/351827	:	PETITION
Filing or 371(c) Date: 12/11/2009	:	
Title of Invention:	:	
TRI-COLOR TANK WITH	:	
SERPENTINE AIR VENTS	:	

This Decision is in response to the "Response to Dismissed Petition," filed October 3, 2011. The Response to Dismissed Petition is properly treated as a renewed petition under 37 CFR 1.183, to waive the requirements of 37 CFR 1.67, that all inventors execute a supplemental oath or declaration.

The renewed petition is **granted**.

The above-identified application was filed on December 11, 2009, and included an oath/declaration. The oath/declaration, however, did not identify the country of citizenship of each inventor, and did not identify the residence of each inventor, nor did Applicant file a Application Data Sheet identifying the residence of each inventor. In an Office action mailed December 17, 2010, the Examiner required a new (supplemental) oath/declaration correcting the noted deficiencies in the oath/declaration.

The present renewed petition

Petitioner files the present renewed petition and includes 1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings) and; (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 (filed August 26, 2011).

Applicable Law, rules and MPEP

37 CFR 1.67 states, in pertinent part:

(a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of §1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.

(1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

Analysis and conclusion

With the present petition, Applicant has set forth the steps taken to secure the legal representative of inventor David Greer's signature on the supplemental declaration. Applicant has demonstrated that a *bona fide* effort was made to secure inventor Rita Greer's signature on the supplemental declaration. Accordingly, it is concluded that petitioner has demonstrated that this is an extraordinary situation, requiring waiver of the rules.

The newly executed declaration, filed on August 26, 2011, will be entered, despite the fact that the requirement set forth in 37 CFR 1.67(a)(1) that all the inventors sign a supplemental oath or declaration has not been satisfied.

The application file is being referred to Publishing Division for processing in the normal course of business.

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

/DLW/

Derek L. Woods
Attorney
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JUN 28 2011

OFFICE OF PETITIONS

In re Application of :
Butler, et al. :
Application No.: 29/351,828 : ON PETITION
Filing Date: December 11, 2009 :
Attorney Docket No. 2009-0185.01 :

This is a decision on the petition under 37 CFR 1.47(a) filed May 16, 2011. The petition will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67.

The petition is **dismissed**.

Petitioner requests that the supplemental declaration filed May 16, 2011, be accepted without the signature of the legal representative of inventor David Greer as she is either unwilling to sign the supplemental declaration or they cannot located to sign the supplemental declaration. It is noted, that in this case, 37 CFR 1.67 requires that the supplemental declaration be signed by all named inventors, yet petitioner asserts Ms. Rita Greer cannot be located. In such a case, Section 603 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

> When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a). If there are no joint inventor(s), then the party with sufficient proprietary interest must sign the supplemental declaration on behalf of the nonsigning inventor. See MPEP § 409.03(b).

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 so as to accept a supplemental declaration without the signature of all of the joint inventors. It is noted that provisions of 37 CFR 1.47 do not apply in this instance and said provisions are only applicable to the original filing of a declaration under 37 CFR 1.63. However, the requirements for establishing that a non-signing inventor has refused, or cannot be located, to sign the supplemental declaration are the same as the requirements of 37 CFR 1.47, as set forth in Section 400 of the Manual of Patent Examining Procedure.

Petitioner has established that Ms. Greer is either unavailable or willing to join the prosecution of the application. However, the supplemental declaration filed May 16, 2011, does not include signatures for all of the joint inventors for whom changes were made in their respective signature blocks. 37 CFR 1.67 provides, in pertinent part, that:

(a)The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of § 1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.

(1)Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or §1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

(2)Deficiencies or inaccuracies relating to fewer than all of the inventor(s) or applicant(s) (§§ 1.42, 1.43 or § 1.47) may be corrected with a supplemental oath or declaration identifying the entire inventive entity but signed only by the inventor(s) or applicant(s) to whom the error or deficiency relates.

(3)Deficiencies or inaccuracies due to the failure to meet the requirements of § 1.63(c) (*e.g.*, to correct the omission of a mailing address of an inventor) in an oath or declaration may be corrected with an application data sheet in accordance with § 1.76.

A review of the declaration filed May 16, 2011, reveals that changes were made to bibliographic data of inventors Butler, Anderson, Greer, Buchanan, Campbell, Bush, and Lindle. Yet, only inventor Butler and Anderson signed the supplemental declaration. The renewed petition is required to be accompanied by a supplemental declaration that is executed by inventors Buchanan, Campbell, Bush, and Lindle.

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

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

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

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MAILED
SEP 22 2011
OFFICE OF PETITIONS

In re Application of :
Butler, et al. :
Application No.: 29/351,828 : ON PETITION
Filing Date: December 11, 2009 :
Attorney Docket No. 2009-0185.01 :

This is a decision on the "Response to Dismissed Petition" filed August 26, 2011. The petition will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67.

The petition is **granted**.

Petitioner requests that the supplemental declaration filed May 16, 2011, be accepted without the signature of the legal representative of inventor David Greer as she is either unwilling to sign the supplemental declaration or they cannot located to sign the supplemental declaration. It is noted, that in this case, 37 CFR 1.67 requires that the supplemental declaration be signed by all named inventors, yet petitioner asserts Ms. Rita Greer cannot be located. In such a case, Section 603 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

> When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a). If there are no joint inventor(s), then the party with sufficient proprietary interest must sign the supplemental declaration on behalf of the nonsigning inventor. See MPEP § 409.03(b).

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 so as to accept a supplemental declaration without the signature of all of the joint inventors. It is noted that provisions of 37 CFR 1.47 do not apply in this instance and said provisions are only applicable to the original filing of a declaration under 37 CFR 1.63. However, the requirements for establishing that a non-signing inventor has refused, or cannot be located, to sign the supplemental declaration are the same as the requirements of 37 CFR 1.47, as set forth in Section 400 of the Manual of Patent Examining Procedure.

The petition is granted, the requirement of 37 CFR 1.67 that all named inventors execute the supplemental declaration is waived, and the supplemental declaration the legal representative of inventor David Greer is acknowledged and made of record.

The fee for the instant petition is $400.00. Deposit account 12-1213 will be charged an additional $200.00 accordingly.

In re Application No. 29/351,828

The application file will be forwarded to Technology Center 2900, GAU 2914 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MAILED
JUN 17 2011
OFFICE OF PETITIONS

In re Application of :
Lane Thomas Butler et al. : DECISION ON PETITION
Application No. 29/351,832 : UNDER § 1.183
Filed: December 11, 2009 :
Attorney Docket No. **2009-0188.01** :

This is a decision on the petition, filed May 17, 2011, under 37 CFR 1.47(a), which is being treated under 37 CFR § 1.183 for acceptance of a supplemental declaration without the inclusion of the signatures of all inventors as required by §§ 37 CFR 1.67 and 1.63.[1]

The petition is **DISMISSED**.

Petitioner is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.183" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

All of the joint inventors and the legal representative of a deceased inventor signed the original declaration for patent filed in this application, pursuant to § 1.63(d), However, the declaration was defective as it did not identify the residence (e.g., city and either state or foreign country) and/or the country of citizenship of each inventor, thus, a substitute declaration was required by the non-Final Office Action mailed December 20, 2010. In response thereof, the supplemental oath/declaration provides the residence, mailing address and/or the country of citizenship of each inventor, is signed by joint inventors, Butler and Anderson but not the other co-inventors and not by Rita Greer, the legal representative of joint inventor David Greer.

Petitioners assert that copies of the application materials including the supplemental declaration were forwarded to and delivered to Rita Greer's last known address but to date she has not returned an executed copy of same.

[1] Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration or to provide all information is a waiver of 37 CFR 1.67 and 1.63. See MPEP 603.

At the outset, the substitute declaration is not sufficient. The inventors whose citizenship was also missing on the original declaration needed to execute a new declaration. See, for example, MPEP 603. Citizenship is a requirement of the statute and must be included in a properly executed oath/declaration.

In addition, for a deceased inventor and legal representative, 37 CFR 1.64 requires the oath/declaration to include the citizenship, residence and mailing address (last known) for the deceased inventor and for the legal representative. In this instance, to satisfy the requirement, petitioners could use Form PTO/SB/02LR for the legal representative, in addition to filling out the deceased inventor information on Form PTO/SB/02A).

Finally, it is not clear that each inventor has executed the declaration knowing what the entire inventive entity is. By not checking the box on the bottom of page 3, not filling in the blank regarding the number of supplemental sheets, and not numbering the supplemental sheets, this raises a question whether each inventor signed the declaration knowing what the entire inventive entity is. If the inventors sign separate declarations, petitioners will need to submit each of the individual declarations and not just combine signature pages into one declaration, see MPEP 201.03, II.B.

In view thereof, the supplemental declaration has been reviewed and not found to be in compliance with §§ 1.67 and 1.63.

Petitioners are advised also that the fee for a petition under 37 CFR 1.183 is set at $400.00 not $200.00 as is submitted with the petition. Therein, petitioner's deposit account no. 12-1213 has been charged in the amount of $400.00.

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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AUG 23 2011

OFFICE OF PETITIONS

In re Application of :
Lane Thomas Butler et al. : DECISION ON PETITION
Application No. 29/351,832 : UNDER § 1.183
Filed: December 11, 2009 :
Attorney Docket No. **2009-0188.01** :

This is a decision on the "Response to Dismissed Petition", filed August 17, 2011, which is being treated under 37 CFR § 1.183 for acceptance of a supplemental declaration without the inclusion of the signatures of all inventors as required by §§ 37 CFR 1.67 and 1.63.[1]

The petition is **GRANTED**.

All of the joint inventors and the legal representative of a deceased inventor signed the original declaration for patent filed in this application, pursuant to § 1.63(d), However, the declaration was defective as it did not identify the residence (e.g., city and either state or foreign country) and/or the country of citizenship of each inventor, thus, a substitute declaration was required by the non-Final Office Action mailed December 20, 2010. In response thereof, the supplemental oath/declaration provides the residence, mailing address and/or the country of citizenship of each inventor and is signed by all joint inventors except Vanderpool, Coffey and Conway, who previously properly executed an Oath. Petitioner has provided sufficient evidence to show that efforts to have Vanderpool, Coffey and Conway execute the supplemental oath/declaration have been unsuccessful.

Additionally, Rita Greer, the legal representative of joint inventor David Greer previously executed the Oath. Petitioners assert however, that copies of the application materials including the supplemental declaration were forwarded to and delivered to Rita Greer's last known address but to date she has not returned an executed copy of same.

The supplemental declaration has been reviewed and found in compliance with §§ 1.67 and 1.63. In view of the foregoing, it is concluded that waiver of the requirement that the

[1]Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration or to provide all information is a waiver of 37 CFR 1.67 and 1.63. See MPEP 603.

supplemental declaration be signed by Rita Greer, the legal representative of joint inventor David Greer is appropriate.

This matter is being referred to Technology Center 2914 for further examination as appropriate.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

3-24-2011

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

Patent No : D 629,859 S
Ser. No. : 29/351,889
Inventor(s) : Graham Christopher
Issued : December 28, 2010

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

Gavrilovich, Dodd & Lindsey LLP
4660 La Jolla Village Drive, Suite 750
San Diego, CA 92112

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

JOSEPH R. BAKER, APC
GAVRILOVICH, DODD & LINDSEY LLP
4660 LA JOLLA VILLAGE DRIVE, SUITE 750
SAN DIEGO, CA 92122

MAILED

OCT 05 2011

OFFICE OF PETITIONS

ON PETITION

In re Patent No. D629,859 :
Issue Date: December 28, 2010 :
Application No. 29/351,889 :
Filed: December 14, 2009 :
Attorney Docket No.: 00049-002001/MBM-2109-10 :

This is a decision on the petition, filed September 6, 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**.

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.

Petitioner has provided a request for a certificate of correction under § 1.323, including the fee required by § 1.20(a); however, it is noted that there is no statement that the assignment was recorded prior to issuance of the patent and the $130 processing fee set forth in § 1.17(i) has not been paid. Accordingly, the request cannot be granted at this time.

---

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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]

Telephone inquiries regarding this decision should 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

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

JOSEPH R. BAKER, APC
GAVRILOVICH, DODD & LINDSEY LLP
4660 LA JOLLA VILLAGE DRIVE, SUITE 750
SAN DIEGO, CA 92122

MAILED

NOV 03 2011

OFFICE OF PETITIONS

In re Patent No. D629,859 :
Issue Date: December 28, 2010 :
Application No.: 29/351,889 : ON PETITION
Filed: December 14, 2009 :
Attorney Docket No.: 00049-002001/MBM-2109-10 :

This is a decision in response to the renewed petition, filed October 24, 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 **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 (703) 756-1814.

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

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OCT 04 2010

OFFICE OF PETITIONS

GABLE & GOTWALS
100 WEST FIFTH STREET, 10TH FLOOR
TULSA OK 74103

In re Application of	:	
Charles C. PARKS	:	
Application No. 29/351,929	:	DECISION ON PETITION
Filed: December 14, 2009	:	
Attorney Docket No. 008764.00009	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file corrected drawings on or before July 12, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 12, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 13, 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) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

The replacement drawings have been reviewed by the examiner assigned to this application and accepted.

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 further processing.

/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

HUGHES HUBBARD & REED LLP
ONE BATTERY PARK PLAZA
NEW YORK NY 10004

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Jerome Dreyfuss	:	
Application No. 29/351,955	:	DECISION ON PETITION
Filed: December 14, 2009	:	
Attorney Docket No. 079817-01200	:	

This is a decision on the petition, filed March 10, 2011, which is being treated as a petition under 37 CFR 1.181 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 Final Office action of June 3, 2010 which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before September 3, 2010, or, on or before December 3, 2010, with a three (3)-month extension of time. A Notice of Abandonment was mailed January 31, 2011.

Petitioner states that a timely reply was filed on December 3, 2010, which included the following papers: an amendment, and a request for a three (3) month extension of time.

The file record includes the originally submitted papers.

Accordingly, the holding of abandonment for failure to timely file a reply to the Final Office action of June 3, 2010, is hereby withdrawn and the application restored to pending status.

Telephone inquiries regarding this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2915 for appropriate action in the normal course of business on the amendment filed on December 3, 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

Paper No.

FRANK G MORKUNAS
P.O. Box 601662
SAN DIEGO CA 92160

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of :
David Morrow : DECISION ON
Application No. 29/351,989 : PETITION
Filed: December 15, 2009 :
Atty Docket No. MORRD-P07A :

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 October 1, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned effective September 5, 2010 for failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed June 4, 2010. (There was no requirement to submit new formal drawings in response to the Notice of Allowability also mailed June 4, 2010). The Notice set a three-month non-extendable period for transmitting the fee. A courtesy Notice of Abandonment was mailed on September 17, 2010.

In response, applicant filed the instant petition. The petition includes the required reply in the form of payment of the issue fee, the required statement of unintentional delay, payment of the petition fee and a terminal disclaimer (and disclaimer fee). All requirements of 37 CFR 1.137(b) have been met.

The terminal disclaimer has been accepted and made of record.

The application is being forwarded to the Office of Data Management for processing into a patent.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/20/10

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No. 29/352051 - Pt. D620530

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)

Magdalene Talley
Certificates of Correction Branch
571 272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **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

_____ 2913
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

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

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of :
Martin C.F. Reinbach :
Application No. 29/352,085 : DECISION ON PETITION
Filed: December 16, 2009 :
Attorney Docket No. P09926US00/DEJ :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 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 September 28, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 28, 2010. Accordingly, the date of abandonment of this application is September 29, 2010. A Notice of Abandonment was mailed October 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings, (2) the petition fee of $1,620.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and required $140.00 fee.

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 with the instant petition.

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

February 9, 2011

Patent No. : D630,519 S
Appl. No. : 29/352,155
Inventor(s) : Ray Alan Toms, et al.
Issued : January 11, 2011
Title : **BEVERAGE CONTAINER**
Docket No. : **4064JV-46**

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 mater, 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 1.117(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.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Patent No. D630519 :
Issue Date: January 11, 2011 :
Application No. 29/352,155 : ON PETITION
Filed: December 17, 2009 :
Attorney Docket No. 4064JV-46 :

This is a decision on the petition filed February 25, 2011, which is being treated as a petition under 37 CFR 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.

The petition is **DISMISSED**.

Applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 3.81(b).

Petitioner requests issuance of a certificate of correction in the names of "MillerCoors, LLC."

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 [emphasis added]. *See also* MPEP 1481.01.

A review of Office Assignment records shows that the above patent was assigned solely to Coors Brewing Company. Office records do not reflect that the assignment to Coors Brewing Company, was a partial assignment. Therefore, issuance of a certificate of correction herein is not in order.

Telephone inquiries concerning this decision on petition 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

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

MAILED
JUL 28 2011
OFFICE OF PETITIONS

In re Patent No. D630519 :
Issue Date: January 11, 2011 :
Application No. 29/352,155 : ON PETITION
Filed: December 17, 2009 :
Attorney Docket No. 4064JV-46 :

This is a decision on the renewed petition filed July 5, 2011, which is being treated as a petition under 37 CFR 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.

The petition is **GRANTED**.

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.

Telephone inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3215.

Charlema Grant
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.
29/352,162	12/17/2009	Kyle William Harris	D-1603	8507

7590 04/15/2011

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER	
PANDOZZI, MARIANNE N	
ART UNIT	**PAPER NUMBER**
2915	
MAIL DATE	**DELIVERY MODE**
04/15/2011	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

April 14, 2011

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

Re Application of
HARRIS, KYLE WILLIAM, Et al
Application No: **29/352162**
Filed: **12/17/2009**
Attorney Docket No: **D-1603**

: **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 17, 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.

/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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SEP 22 2010

OFFICE OF PETITIONS

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

In re Application of :
Nicholas Reback et al. :
Application No. 29/352,177 : ON PETITION
Filed: December 17, 2009 :
Attorney Docket No. **055665-5123** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 24, 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 payment of the issue fee of $860, (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). 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.

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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BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy.
Suite 101
Tempe AZ 85281

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of
Mark Gullickson, et al.
Application No. 29/352,382
Filed: December 20, 2009
Attorney Docket No. 1487.012

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 12, 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 s to timely pay the issue fee on or before December 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 29, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 30, 2010. The Notice of Abandonment was mailed January 12, 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(s) (4).

The terminal disclaimer filed herewith petition cannot be accepted because it was not 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.

The power of attorney filed May 12, 2011 was not accepted because the signature of co-inventors, Mark Gullickson, Erik R. Chin and Tola I Chin was omitted.

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/
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

BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy.
Suite 101
Tempe AZ 85281

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
Mark Gullickson, et al. :
Application No. 29/352,382 : ON PETITION
Filed: December 20, 2009 :
Attorney Docket No. 1487.012 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 21, 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 **nt** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure s to timely pay the issue fee on or before December 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 29, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 30, 2010. The Notice of Abandonment was mailed January 12, 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(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.

The terminal disclaimer previously filed on May 12, 2011 has already been deemed unacceptable. Another terminal disclaimer must be filed. Also, the power of attorney filed on May 12, 2011 has already been deemed no approved so another power of attorney must be filed will all four signatures of the inventors. The power attorney filed herewith petition is not approved because it was not signed by all four inventors.

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/
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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BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy.
Suite 101
Tempe AZ 85281

MAILED

NOV 21 2011

OFFICE OF PETITIONS

In re Application of :
Mark Gullickson, et al. :
Application No. 29/352,382 : DECISION ON PETITION
Filed: December 20, 2009 :
Attorney Docket No. 1487.012 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 31, 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 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 29, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 30, 2010. A Notice of Abandonment was mailed on January 12, 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 September 29, 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 Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

/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

10/31/2011

Patent No. :D642448S
Ser. No. :29/352617
Inventor(s) :Lee et al.
Issued :8/2/2011
Title :Line Holder
Docket No. :

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 mater, 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(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: (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.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

John S. Pratt
Kilpatrick Townsend & Stockton LLP
Suite 2800, 1100 Peachtree Street
Atlanta, Georgia 30309

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CARDINAL LAW GROUP, LLC
SUITE 2000
1603 ORRINGTON AVENUE
EVANSTON IL 60201

MAILED

OCT 04 2010

OFFICE OF PETITIONS

In re Application of
George A. GOLOTA, et al
Application No. 29/352,636
Filed: December 23, 2009
Attorney Docket No. 4700/122

DECISION
ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 24, 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 May 11, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 12, 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).

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.

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.

/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

CARDINAL LAW GROUP, LLC
SUITE 2000
1603 ORRINGTON AVENUE
EVANSTON IL 60201

MAILED

NOV 17 2010

OFFICE OF PETITIONS

In re Application of
George A. GOLOTA, et al
Application No. 29/352,636
Filed: December 23, 2009
Attorney Docket No. 4700.122

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 11, 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 May 11, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 12, 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).

In respect to item (4): The Terminal Disclaimer filed with the renewed petition on October 11, 2010, has been acknowledged, however, is not proper and cannot be accepted as being in compliance with 37 CFR 1.137(d). See the attached terminal disclaimer form PTO/SB/63.

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: PTO/SB/63 – Terminal Disclaimer Form

UNITED STATES 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 13 2010

OFFICE OF PETITIONS

CARDINAL LAW GROUP, LLC
SUITE 2000
1603 ORRINGTON AVENUE
EVANSTON IL 60201

In re Application of :
George A. GOLOTAL, et al :
Application No. 29/352,636 : DECISION ON PETITION
Filed: December 23, 2009 :
Attorney Docket No. 4700.122 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 1, 2010, 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 October 27, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed May 11, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned 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 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 Office acknowledges receipt of the petition fee paid with the petition dated August 13, 2010 and the Terminal Disclaimer fee paid October 11, 2010. Since the additional fees are unnecessary, the total fee of $3380 will be credited to petitioner's Deposit Account No. 50-1713.

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

TERENCE P. O'BRIEN
AMER SPORTS AMERICAS
SERVING WILSON SPORTING GOODS, PRECOR, SALOMON,
ATOMIC AND SUUUTO 8750 W. BRYN MAWR. AVE.
CHICAGO, IL 60631

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of :
Arnaud Leleu :
Application No. 29/352,648 :
Filed: December 23, 2009 :
Attorney Docket No. MOD 421/US-10 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 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 final agency action within the meaning of 5 U.S.C. § 704.

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 July 2, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 3, 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)(III)(C) and (D). The instant petition lack(s) item(s) (4).

The formal drawings have been received. The terminal disclaimer filed with this petition on November 17, 2010 is disapproved, the assignment data is missing. This petition can not be treated until an approved terminal disclaimer is received.

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 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
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AMER SPORTS AMERICAS
SERVING WILSON SPORTING GOODS, PRECOR, SALOMON
ATOMIC AND SUUNTO 8750 W. BRYN MAWR. AVE
CHICAGO, IL 60631

MAILED

FEB 07 2011

OFFICE OF PETITIONS

In re Application of :
Arnaud Leleu :
Application No. 29/352,648 :
Filed: December 23, 2009 :
Attorney Docket No. MOD 421/US-10 :

ON PETITION

This is a decision on the petition filed January 18, 2011, which is being treated as a renewed petition under 37 CFR 1.137(b), 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 2912 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

L

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : July 27, 2011

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/352678 Patent No.: D633681 S

CofC mailroom date: 7-11-11

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

Note: _____

_____

Magdalene Talley
Certificates of Correction Branch
571-272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

_____ 2911
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

Zies Widerman & Malek
1990 W. New Haven Avenue, Suite 201
Melbourne FL 32904

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of :
Alexander von Lignau :
Application No. 29/352,691 : DECISION ON PETITION
Filed: December 23, 2009 :
Attorney Docket No. 99.3959 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed April 29, 2011, to revive the above-identified application.

The petition is **DISMISSED.**

Any further petition to revive 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(a)." 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 fee, and submit corrected drawings on or before March 16, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 26, 2010. Accordingly, the date of abandonment of this application is December 16, 2010. A Notice of Abandonment was mailed on March 31, 2011.

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 lack items (3) and (4).

As to item (3), petitioner states that the inventor, a resident of Haiti was difficult to reach after the earthquake. Petitioner mentions that many attempts were made to reach the inventor but was difficult. Petitioner has not supplied the Office any evidence (i.e., returned mailed, call logs emails), that attempts were made to contact the inventor regarding a response to the Notice of Allowance mailed December 16, 2010.

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).

The showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). *See* MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing 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 the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

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 cannot make a statement that the delay was unintentional unless the entire delay, including 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 petitioner 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
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 Kimberly Inabinet at (571) 272-4618.

/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

MAILED

JUL 21 2011

OFFICE OF PETITIONS

Zies Widerman & Malek
1990 W. New Haven Avenue, Suite 201
Melbourne FL 32904

In re Application of :
Alexander von Lignau :
Application No. 29/352,691 : DECISION ON PETITION
Filed: December 23, 2009 :
Attorney Docket No. 99.3959 :

This is a decision on the renewed petition under the unavoidable provisions of 37 CFR 1.137(a), filed June 21, 2011, to revive the above-identified application.

The petition is **DISMISSED.**

Any further petition to revive 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(a)." 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 fee, and submit corrected drawings on or before March 16, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 26, 2010. Accordingly, the date of abandonment of this application is December 16, 2010. A Notice of Abandonment was mailed on March 31, 2011.

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).

As to item (3), petitioner further states that it was "virtually impossible" to contact the inventor, a resident of Haiti after the earthquake. The showing of unavoidable delay is not to the satisfaction of the Office. At the very least, petitioner should specify when contact with applicant was attempted (day and time), the nature of the contact such as telephone, email, etc. and what the topic of the contact was. Petitioner should indicate what, if any, response he received.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing 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 the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

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 cannot make a statement that the delay was unintentional unless the entire delay, including 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 petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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.

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 Kimberly Inabinet at (571) 272-4618.

/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

MAILED

AUG 24 2011

OFFICE OF PETITIONS

Zies Widerman & Malek
1990 W. New Haven Avenue, Suite 201
Melbourne FL 32904

In re Application of :
Alexander von Lignau :
Application No. 29/352,691 : DECISION ON PETITION
Filed: December 23, 2009 :
Attorney Docket No. 99.3959 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2011, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely pay the issue fee, and submit corrected drawings on or before March 16, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 26, 2010. Accordingly, the date of abandonment of this application is December 16, 2010. A Notice of Abandonment was mailed on March 31, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of issue fee payment of $430, (2) the petition fee of $810, (3) a proper statement of unintentional delay (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the issue fee 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 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/15/10

TO SPE OF : ART UNIT 2913 VEYNAR Caron (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/352,696 Patent No.: D624441

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 – 9D40-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.

- [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
SUPERVISORY PATENT EXAMINER

SPE: _____ Art Unit: 2913

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MIKE P CONTRERAS
116 S STODDARD AVE
SAN BERNARDINO CA 92401

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Mike P. Contreras :
Application No. 29/352,733 : ON PETITION
Filed: December 23, 2009 :
Title: Exhaust Tip with Gun Barrel :
Sight Design

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed February 22, 2011.

The petition under 37 CFR 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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed June 8, 2010. This Office action set a shortened statuory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the above identified application became abandoned on September 9, 2010. The Office mailed a Notice of Abandonment on January 18, 2011.

Petitioner states that he did not receive the June 8, 2010 non-final Office action.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing **all** replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

However, as petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. In that case, if petitioner seeks to establish that he did not receive the June 8, 2010 Office action, petitioner must explain his system for keeping track of patent matters; where he keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the June 8, 2010 Office action was not entered into that system.

While the showing of record is not sufficient to establish to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 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 as set forth in 37 CFR 1.17(m), currently $810 for a small entity; and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

A copy of the form for a petition to revive under 37 CFR 1.137(b) is enclosed for petitioner's convenience.

---

[1] See MPEP 711.03(c)(II).

[2] MPEP 711.03(c)(II) (emphasis added).

[3] Id.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/64 (3 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MIKE P CONTRERAS
116 S STODDARD AVE
SAN BERNARDINO CA 92401

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Application of :
Mike P. Contreras :
Application No. 29/352,733 : ON PETITION
Filed: December 23, 2009 :
Title: Exhaust Tip with Gun Barrel :
Sight Design

This is a decision on the petition to revive under 37 CFR 1.137(b), filed August 1, 2011.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed June 8, 2010. This Office action set a shortened statuory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the above identified application became abandoned on September 9, 2010. The Office mailed a Notice of Abandonment on January 18, 2011. Applicant filed a petition to withdraw the holding of abandonment on February 22, 2011. However, the petition was dismissed in a decision mailed on March 28, 2011.

A grantable petition pursuant to 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 as set forth in 37 CFR 1.17(m), currently $810 for a small entity; and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

With the instant petition, petitioner did not submit the second page of the petition to revive form (the page containing a blank for petitioner's signature). Pursuant to 37 CFR 1.4(d), each piece of correspondence filed in an application must contain a signature.

Accordingly, on renewed petition, petitioner must resubmit the petition to revive form, with his signature on page two. A copy of the form for a petition to revive under 37 CFR 1.137(b) is enclosed for petitioner's convenience.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/64 (3 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MIKE P CONTRERAS
116 S STODDARD AVE
SAN BERNARDINO CA 92401

MAILED
SEP 06 2011
OFFICE OF PETITIONS

In re Application of :
Mike P. Contreras :
Application No. 29/352,733 : ON PETITION
Filed: December 23, 2009 :
Title: Exhaust Tip with Gun Barrel :
Sight Design

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed August 22, 2011.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action, mailed June 8, 2010. This Office action set a shortened statuory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the above identified application became abandoned on September 9, 2010. The Office mailed a Notice of Abandonment on January 18, 2011. Applicant filed a petition to withdraw the holding of abandonment on February 22, 2011. However, the petition was dismissed in a decision mailed on March 28, 2011. Applicant then filed a petition under 37 CFR 1.137(b) on August 1, 2011. However, that petition was dismissed in a decision mailed on August 8, 2011.

With the instant petition, petitioner made the proper statement of unintentional delay. The petition fee and required reply in the form of an Amendment were previously filed on August 1, 2011.

The application is being forwarded to Group Art Unit 2914 for consideration of the Amendment filed August 1, 2011.

Telephone inquiries related to 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

STEPTOE & JOHNSON PLLC
400 White Oaks Boulevard
Bridgeport WV 26330

MAILED

SEP 01 2010

OFFICE OF PETITIONS

In re Application of :
Terry L. Baldwin :
Application No. 29/352,818 : DECISION ON PETITION
Filed: December 28, 2009 : TO WITHDRAW
Attorney Docket No. 292290.00002A : 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 July 29, 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. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael B. Pallay, former attorney associated with customer number 27036. Michael B. Pallay has been withdrawn from record. All other attorneys/agents will remain of record.

The correspondence address will remain the same.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Michael B. Pallay
P.O. Box 2190
Clarksburg, WV 26302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 21 2011

OFFICE OF PETITIONS

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

In re Application of :
Chih-Ming LAI et al. : ON PETITION
Application No. 29/352,825 :
Filed: December 28, 2009 :
Atty. Docket No.: US29005 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED.**

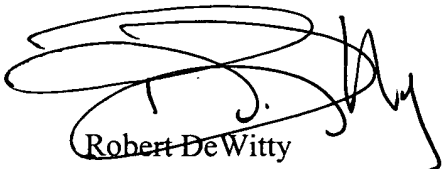
The application became abandoned for failure to reply in a timely manner to the Notice of Allowability and Fee(s) Due mailed November 18, 2010 (Notice), which set a statutory period for reply of three (3) month. The application became abandoned February 19, 2011. A Notice of Abandonment was mailed March 7, 2011.

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 in accordance with the Notice mailed November 18, 2010, (2) a petition fee of $1860, (3) a statement of unintentional delay, and (4) 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 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 relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Data Management for further processing.



Robert DeWitty
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 25 2011

OFFICE OF PETITIONS

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

In re Application of :
Chih-Ming LAI et al. : ON PETITION
Application No. 29/352,827 :
Filed: December 28, 2009 :
Atty. Docket No.: US29006

This is a decision on the petition under 37 CFR 1.137(b), filed October 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 Notice of Allowance and Fee(s) Due mailed January 19, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned April 20, 2011. A Notice of Abandonment was mailed May 10, 2011.

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 in accordance with the Notice mailed January 19, 2011, (2) a petition fee of $1860, (3) a statement of unintentional delay, and (4) 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 being unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Data Management for further processing.

Robert DeWitty
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

Husch Blackwell Sanders, LLP
Husch Blackwell Sanders LLP Welsh & Katz
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
Robert Farber :
Application No. 29/352,838 : DECISION ON PETITION
Filed: December 28, 2009 :
Attorney Docket No. **506633-99** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2010, to revive the above-identified application.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed June 28, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 29, 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 $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
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 Sanders, LLP
Husch Blackwell Sanders LLP Welsh & Katz
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
Robert Farber :
Application No. 29/352,839 : DECISION ON PETITION
Filed: December 28, 2009 :
Attorney Docket No. **506633-99** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2010, to revive the above-identified application.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed June 28, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 29, 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 $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
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/06/11

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29352870 Patent No.: D625318

CofC mailroom date: 08/15/11

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 changes in the drawings be approved?**

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:

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER
AU 2911

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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PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK, NY 10022

MAILED
JUN 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Butler et al.	:	
Application No. 29/352,880	:	DECISION ON PETITION
Filed: December 29, 2009	:	
Attorney Docket No. 102792-1061	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 26, 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 March 9, 2011, as required by the Notice of Allowance and Fee(s) Due mailed December 9, 2010, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on March 10, 2011. A Notice of Abandonment was mailed on March 28, 2011.

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 $1,620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee of $140 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.

The terminal disclaimer filed April 26, 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
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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS, LLP WELSH & KATZ
120 S. RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED
AUG 31 2010
OFFICE OF PETITIONS

In re Application of	:	
Robert Farber	:	DECISION GRANTING PETITION
Application No. 29/352,922	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: December 29, 2009	:	
Attorney Docket No. 0506633-100	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed August 31, 2010, 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 August 6, 2010 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 August 31, 2010.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 2913 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Patent No. : D,620,887 S
Ser. No. : 29/352,952
Inventor(s) : Ishizuka et al.
Issued : Aug. 3, 2010
Title : STATOR FOR A VEHICLE ROTARY ELECTRIC MACHINE
Docket No. : 100-DOO3-DIV
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
(703) **756-1542** or (703) 756-1814

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : June 27, 2011

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/352969 Patent No.: D627076

CofC mailroom date: 6-3-11

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

Note: _____

_____

Magdalene Talley
Certificates of Correction Branch
571-272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **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**

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KOPPEL, PATRICK, HEYBL & DAWSON
2815 Townsgate Road
SUITE 215
Westlake Village CA 91361-5827

MAILED

AUG 3 0 2010

OFFICE OF PETITIONS

In re Application of :
Thomas Fitzgerald et al. :
Application No. 29/353,001 : DECISION ON PETITION
Filed: December 30, 2009 :
Attorney Docket No. 099-2T-147DV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 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 June 15, 2010, as required by the Notice of Allowance and Fee(s) Due mailed March 15, 2010. Accordingly, the date of abandonment of this application is June 16, 2010. A Notice of Abandonment was mailed on July 1, 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, (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 issue fee 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 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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FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :

Marcus Katz :
Application No. 29/353,114 : DECISION ON PETITION
Filed: December 31, 2009 : TO WITHDRAW
Attorney Docket No. **21172-0009006** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 10, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 20985 has been revoked by the applicant of the patent application on February 11, 2011. Therefore, practitioners no longer have power in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: THIBAUL PATENT GROUP
11363 Carmel Creek Rd
San Diego CA 92130

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

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of :
Cornelis J.M. Aardenburg :
Application No. 29/353,145 : DECISION ON PETITION
Filed: January 14, 2010 :
Attorney Docket No. **24824D** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 27, 2011, to revive the above-identified application.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed January 3, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on April 4, 2011.

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 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 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
www.uspto.gov

ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE, FL 32216

MAILED

FEB 02 2012

OFFICE OF PETITIONS

In re Application of :
Hickling Teizeira :
Application No. 29/353,228 : DECISION ON PETITION
Filed: January 5, 2010 :
Attorney Docket No. 3228 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 14, 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 to submit corrected formal drawings on or before November 3, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 3, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 4, 2011. A Notice of Abandonment was mailed on November 18, 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 $495 issue fee and corrected formal 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 failure to timely pay the issue fee as required by the Notice of Allowance 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 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
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PLUMSEA LAW GROUP, LLC
10411 MOTOR CITY DRIVE, SUITE 320
BETHESDA, MD 20817

MAILED

MAR 17 2011

OFFICE OF PETITIONS

In re Application of :
Robert HUBER, et *al.* :
Application No. 29/353,385 : DECISION ON PETITION
Filed: January 7, 2010 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **27-1335** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 2, 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 to File Missing Parts of Nonprovisional Application (Notice), mailed February 1, 2010. The Notice set a period for reply of two (2) month 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 April 2, 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 substitute specification, basic filing fee of $220, surcharge fee of $130, search fee of $100, and examination fee of $140, (2) the petition fee of $1620, (3) adequate statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1240 extension of time fee submitted with the petition on September 2, 2010 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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 Patent Application Processing for appropriate action on the reply received.

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

HOVEY WILLIAMS LLP
10801 MASTIN BLVD., SUITE 1000
OVERLAND PARK KS 66210

MAILED

NOV 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Steven J. Wyse	:	
Application No. 29/353,475	:	DECISION ON PETITION
Filed: January 8, 2010	:	
Attorney Docket No. 39210-DSG-DIV1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 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 August 3, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed May 3, 2010. Accordingly, the date of abandonment of this application is August 4, 2010. A Notice of Abandonment was mailed August 16, 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.

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 must include the name of the owner of 100 percent interest, as well as other required language as noted in the PTO/SB/63 form (copy enclosed). Accordingly, the terminal disclaimer as filed is considered improper.

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
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer To Accompany Petition; 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

HOVEY WILLIAMS LLP
10801 MASTIN BLVD., SUITE 1000
OVERLAND PARK KS 66210

MAILED

JAN 21 2011

OFFICE OF PETITIONS

In re Application of :
Steven J. Wyse :
Application No. 29/353,475 : DECISION ON PETITION
Filed: January 8, 2010 :
Attorney Docket No. 39210-DSG-DIV1 :

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**.

This application became abandoned for failure to timely submit Corrected Drawings on or before August 3, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed May 3, 2010. Accordingly, the date of abandonment of this application is August 4, 2010. A Notice of Abandonment was mailed August 16, 2010.

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 (previously paid October 25, 2010); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and required $70.00 fee (previously paid October 25, 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 with the instant petition.

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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AVERY DENNISON CORPORATION
Patent Group
Law Department - 3 South
P.O. BOX 7090
PASADENA CA 91109-7090

MAILED
APR 26 2011
OFFICE OF PETITIONS

In re Application of :
Jay K. Sato et al. :
Application No. 29/353,492 : DECISION ON PETITION
Filed: January 8, 2010 :
Attorney Docket No. 4804-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 15, 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.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 26, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 26, 2010. Accordingly, the date of abandonment of this application is November 27, 2010. A Notice of Abandonment was mailed on January 5, 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 lack items (1) and (4).

As to item (1), the issue and publication fees were not paid. The reply submitted was a CPA (Continued Prosecution Application). The CPA is proper, but in order to satisfy the reply to the Notice of Allowance mailed August 26, 2010, fees must be paid. If the case is allowable in the future and a new Notice of Allowance is mailed, these fees can be applied as payment at that time.

As to item (4), the terminal disclaimer filed with the petition on February 15, 2011 is not acceptable because the signature is not that of an attorney of record. In view of the application file, it appears that a power of attorney was not filed in this 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 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

JUN 01 2011

OFFICE OF PETITIONS

AVERY DENNISON CORPORATION
Patent Group
Law Department - 3 South
P.O. BOX 7090
PASADENA CA 91109-7090

In re Application of	:	
Jay K. Sato et al.	:	
Application No. 29/353,492	:	DECISION ON PETITION
Filed: January 8, 2010	:	
Attorney Docket No. 4804-US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 11, 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 on or before November 26, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 26, 2010. Accordingly, the date of abandonment of this application is November 27, 2010. A Notice of Abandonment was mailed on January 5, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the a CPA (Continued Prosecution Application), issue fee payment of $860, (2) the petition fee of $1,620, (3) a proper statement of unintentional delay (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the CPA 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 fee was previously paid on February 15, 2011. No additional fee is due, therefore the petition fee of $1,620, paid on May 11, 2011 will be refunded to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.
This application is being referred to Technology Center 2914 for further processing.

/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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DEC 03 2010

OFFICE OF PETITIONS

GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST.
DALLAS TX 75201-4761

In re application of :
Paul Kenneth Wolff :
Application No. 29/353,569 : NOTICE
Filed: January 11, 2010 :
Attorney Docket No. 127379-4000 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 6, 2010 and resubmitted on November 2, 2010.

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 application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : August 28, 2010

TO SPE OF : ART UNIT 2917

SUBJECT : Request for Certificate of Correction for Appl. No.: 29353714 Patent No.: D617607

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 – 9D40-C
Palm Location 7580

_____
Certificates of Correction Branch
703-756-1573

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 request for the substitution of the replacement drawings filed 8/20/10 are denied because the correct replacement drawings (Original Emb 2 – Figs. 7-14 Gripping portion of a cookware handle; submitted in replacement drawings 1/18/10 and properly amended in replacement drawings 5/11/10) were printed correctly on the patent.

_____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Philip S. Hyder/ SPE AU 2917

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JUN 10 2011
OFFICE OF PETITIONS

SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS CO 80521

In re Application of	:	
Robin R. SLANTON et al.	:	DECISION DISMISSING PETITION
Application No. 29/353,753	:	UNDER 37 CFR 1.137(b)
Filed: January 13, 2010	:	
Atty. Docket No.: SWIFT-ULTICART-DESIGN-US		

This is a decision on the petition under 37 CFR 1.137(b), filed February 16, 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 mailing 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 went abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed September 27, 2010 (Notice), which set a statutory period for reply of three (3) months. The application thus became abandoned on December 28, 2010. A Notice of Abandonment was mailed March 10, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) an appropriate reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay for 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). The instant petition lacks item (4).

Regarding item (4), a terminal disclaimer has been submitted, however the signing attorney is not of record in the above-identified application.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

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

MAILED

AUG 10 2011

OFFICE OF PETITIONS

SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS CO 80521

In re Application of :
Robin R. SLANTON et al. : DECISION GRANTING PETITION
Application No. 29/353,753 : UNDER 37 CFR 1.137(b)
Filed: January 13, 2010 :
Atty. Docket No.: SWIFT-ULTICART-DESIGN-US

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 22, 2011.

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 September 27, 2010 (Notice), which set a statutory period for reply of three (3) months. The application thus became abandoned on December 28, 2010. A Notice of Abandonment was mailed March 10, 2011.

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 in accordance with the Notice of Allowance and Fee(s) Due, (2) a petition fee of $810, (3) a statement of unintentional delay and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). The reply to the Notice is accepted as having been unintentionally delayed.

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 Technology Center Art Unit 2911 for processing the Request for Continued Prosecution Application filed February 16, 2011.

Rimesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY UT 84111

MAILED
DEC 06 2010
OFFICE OF PETITIONS

In re Application of :
Caroline Gill et al. :
Application No. 29/353,783 : ON PETITION
Filed: January 14, 2010 :
Attorney Docket No. 14410.16 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 22, 2010, to revive the above-identified application.

The petition is hereby **DISMISSED**.

This application became abandoned for failure to timely file the corrected formal drawings on or before November 4, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 6, 2010. Accordingly, the date of abandonment of this application is November 5, 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).

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 $70 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/
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

KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY UT 84111

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
Caroline Gill et al. :
Application No. 29/353,783 : ON PETITION
Filed: January 14, 2010 :
Attorney Docket No. **14410.16** :

This is a decision on the Terminal disclaimer filed on December 9, 2010, which is being treated as a renewed petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b).

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; and (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The petition is hereby **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 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
www.uspto.gov

LAW OFFICE OF HOUDA EL-JARRAH
PO BOX 27087
HOUSTON, TX 77227

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Application of :
Ahmed Deyaf :
Application No. 29/353,839 : ON PETITION
Filed: January 14, 2010 :
Attorney Docket No. 091001 (STLL K-Force) :

This is a decision on the petition under 37 CFR 1.137(b), filed October 17, 2011, to revive the above-identified design application.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed April 9, 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 May 10, 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 election, (2) the petition fee of $930, and (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 October 17, 2011.

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

MAILED

JUN 03 2011

OFFICE OF PETITIONS

ONE LLP
4000 MACARTHUR BLVD., SUITE 1100
NEWPORT BEACH, CA 92660

In re Application of :
Damian Kutzner :
Application No. 29/353,928 : DECISION ON PETITION
Filed: January 15, 2010 :
Attorney Docket No. 200,402-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 4, 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 fee on or before January 4, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 4, 2010, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on January 5, 2011. A Notice of Abandonment was mailed January 19, 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 petition lacks item (4) above. Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer (Form PTO/SB/63) 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.

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 Internet: EFS-Web[1]

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

[1] 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

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

MAILED

AUG 11 2011

OFFICE OF PETITIONS

ONE LLP
4000 MACARTHUR BLVD., SUITE 1100
NEWPORT BEACH, CA 92660

In re Application of
Damian Kutzner
Application No. 29/353,928
Filed: January 15, 2010
Attorney Docket No. 200,402-1

: DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 2, 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 fee on or before January 4, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 4, 2010, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on January 5, 2011. A Notice of Abandonment was mailed January 19, 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 petition lacks item (4) above. While the Office recognizes that a terminal disclaimer (Form PTO/SB/63) was submitted on August 2, 2011, the form cannot be accepted as it does not contain a proper signature by Kainoa Asuega. The S-signature of Kainoa Asuega is improper since the practitioners name was not properly place in between the slashes, thus leaving the terminal disclaimer unsigned. See 37 CFR 1.4(d)(2).

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 Internet: EFS-Web[1]

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

/A. Kelley-Collier/
Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

[1] 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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ONE LLP
4000 MACARTHUR BLVD., SUITE 1100
NEWPORT BEACH CA 92660

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of :
Damian Kutzner :
Application No. 29/353,928 : DECISION ON PETITION
Filed: January 15, 2010 :
Attorney Docket No. 200,402-2 DA :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 15, 2011, 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 January 4, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 4, 2010. Accordingly, the date of abandonment of this application is January 5, 2011. A Notice of Abandonment was mailed 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 payment of the issue fee of $430.00 (previously paid April 4, 2011), (2) the petition fee of $810.00 (previously paid April 4, 2011); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $70.00 (previously paid August 2, 2011).

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.

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.

/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

SILICON VALLEY PATENT AGENCY
7394 WILDFLOWER WAY
CUPERTINO CA 95014

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of :
Koo, et al. :
Application No. 29/353,946 : ON PETITION
Filed: January 16, 2010 :
Attorney Docket No. RIN-033 :
For: NETWORKED MULTIMEDIA UNIT

This is a decision on the petition under 37 CFR 1.137(b), filed November 11, 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)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed January 28, 2010, which set an extendable two month period for reply. No extensions of time being obtained under 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on March 29, 2010. A Notice of Abandonment was mailed on October 15, 2010.

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).

The instant petition does not satisfy requirements (1) and (4) above.

With respect to item (1) above, the declaration executed by Chris Kallai was not found among the papers filed on November 11, 2010. Please submit another copy of the purportedly filed declaration.

With respect to (4) above, 37 CFR 1.137(d)(1) requires that a petition under 37 CFR 1.137(b) be accompanied by a terminal disclaimer and fee in a design application, regardless of the design application's filing date. As this application is a design application, petitioners are required to submit a terminal disclaimer and fee.

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 concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SILICON VALLEY PATENT AGENCY
7394 WILDFLOWER WAY
CUPERTINO CA 95014

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of :
Koo, et al. :
Application No. 29/353,946 : ON PETITION
Filed: January 16, 2010 :
Attorney Docket No. RIN-033 :
For: NETWORKED MULTIMEDIA UNIT

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 8, 2011, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed January 28, 2010, which set an extendable two month period for reply. No extensions of time being obtained under 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on March 29, 2010. A Notice of Abandonment was mailed on October 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 a fully executed declaration (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.

The terminal disclaimer was accepted based on the authority granted practitioner by the declaration. The assignment and 3.73(b) statement are not acceptable because the assignment is a composite assignment. It appears that Inventor Schnakenberg executed a different assignment than Inventors Kallai and Koh did. The inventors must be aware of the identity of the other joint inventors.

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

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

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

DEBORAH A. GADOR
P.O. BOX 4133
GANEL TIKVA 55900 IL ISRAEL

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of :
FAIFER :
Application No. 29/353,963 :
Filed: January 17, 2010 :
Attorney Docket No. 9/58 :

DECISION
ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 6, 2011.

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 March 3, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 4, 2011. A Notice of Abandonment was mailed June 8, 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(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).

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

MAILED
JUL 27 2011
OFFICE OF PETITIONS

DEBORAH A. GADOR
P.O. BOX 4133
GANEL TIKVA 55900 IL ISRAEL

In re Application of	:	
FAIFER	:	DECISION
Application No. 29/353,963	:	ON PETITION
Filed: January 17, 2010	:	
Attorney Docket No. 9/58	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 13, 2011.

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 March 3, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 4, 2011. A Notice of Abandonment was mailed June 8, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

The 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/14/11

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29354091 Patent No.: D625594

CofC mailroom date: 03/04/11

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]

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: _____

CATHRON C. BROOKS AU: 2911
SUPERVISORY PATENT EXAMINER

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHONG ROH
3316 N. VERDUGO ROAD
GLENDALE, CA 91208

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of :
Jin-Hee Lee :
Application No. 29/354,277 : DECISION ON PETITION
Filed: January 21, 2010 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed September 23, 2011, to revive the above-identified design application.

The application became abandoned for failure to file a reply to the Notice of Allowance and Fee(s) Due/Notice of Allowability for a Design Application mailed July 8, 2010. A Notice of Abandonment was mailed on October 21, 2010.

The petition 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(s) (1).

The Office acknowledges receipt of a Terminal Disclaimer with the $70 fee, $430 for payment of the issue and $810 for the petition fee submitted on September 23, 2011. However, a review of the record fails to show that petitioner supplied a substitute Oath or Declaration and corrected drawings as required by the Notice of Allowability for a Design Application mailed July 8, 2010. Therefore, this application cannot be revived until a proper response has been filed[1].

[1] Petitioner should note that filing the required item should not be construed as meaning that the petition will be granted under the provisions of 37 CFR 1.137(b).

Since the address given in the present petition differs from the correspondence address of record, a courtesy copy of this decision is being mailed to the address in the petition. Thereafter, all future communications from the Office will be mailed solely to the address of record unless otherwise instructed.

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) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Jin-Hee Lee
413, DaeWooMeJongRiBeuRi
750-1 Janhang-dong
Ilsan Dong-gu Goyang-si
Gyeonggl-do **KOREA**

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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Jae Y. Park
Kile Park Goekjian Reed & McManus PLLC
1200 New Hampshire Ave. NW, Suite 570
Washington, DC 20036

MAILED

JAN 05 2012

OFFICE OF PETITIONS

In re Application of :
Jin-Hee Lee :
Application No. 29/354,277 : DECISION ON PETITION
Filed: January 21, 2010 :
Attorney Docket No. DWN-0010-DS :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 5, 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 $430 for payment of the issue, a supplemental oath or declaration and seven (7) sheets of replacement drawings containing Figures 1-7; (2) the petition fee of $810; (3) a proper statement of unintentional delay[1]; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed September 23, 2011, 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

[1] 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 he 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. 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.

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

MAILED
MAY 31 2011
OFFICE OF PETITIONS

In re Application of	:	
Shih	:	
Application No. 29/354,352	:	DECISION
Filed/Deposited: 22 January, 2010	:	
Attorney Docket No. 15042-73822	:	

This is a decision on the petition filed on 6 January, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition pursuant to 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

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due (drawings requirement) mailed on 1 September, 2010, with reply due under a non-extendable deadline on or before 1 December, 2010.

The application went abandoned by operation of law after midnight 1 December, 2010.

The Office mailed the Notice of Abandonment on 2 November, 2010.

On 6 January, 2011, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), with a reply in the form of drawings, surcharge, and made the statement of unintentional delay, and also a terminal disclaimer and fee.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

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).[2] 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, by definition, are not intentional.[3]))

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 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.

[3] 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.

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 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 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[4]) 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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[4] 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 attdance 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

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.
29/354,371	01/22/2010	Shawn P. Davis	2343/202	1323

757 7590 03/20/2012

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER	
ACKER, KAREN S	
ART UNIT	PAPER NUMBER
2915	
MAIL DATE	DELIVERY MODE
03/20/2012	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

March 20, 2012

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

Re Application of
DAVIS, SHAWN P., ET AL
Application: **29/354371**
Filed: **01/22/2010**
Attorney Docket No: **2343/202**

: DECISION ON PETITION
: 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) January 22, 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.

/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
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MAR 07 2011

OFFICE OF PETITIONS

CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA CA 90401-4110

In re Application of :
Randy Cheng et al. :
Application No. 29/354,407 : ON PETITION
Filed: January 22, 2010 :
Attorney Docket No.: 09-23219 :

This is a decision on the petition filed January 26, 2011 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed May 21, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned August 24, 2010. Accordingly, a Notice of Abandonment was mailed December 8, 2010.

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. 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.

(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 Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The petition does not satisfy requirement (4) of the regulation.

Petitioner must submit a Terminal Disclaimer with any renewed petition since this is a design application. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

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

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

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
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

CISLO & THOMAS LLP
1333 2ND STREET
SUITE #500
SANTA MONICA CA 90401-4110

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Application of
Randy Cheng et al.
Application No. 29/354,407
Filed: January 22, 2010
Attorney Docket No.: 09-23219

ON PETITION

This is a decision on the renewed petition filed March 24, 2011 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the non-Final Office Action mailed May 21, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned August 24, 2010. Accordingly, a Notice of Abandonment was mailed December 8, 2010. A petition to revive was filed January 26, 2011 but was dismissed in a decision mailed March 7, 2011 because the petition was not accompanied by a terminal disclaimer.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer, and fee, which has been charged to deposit account no. 03-2030, having now been met, this matter is being referred to Technology Center 2912 for appropriate action on the amendment filed January 26, 2011 and resubmitted with the instant petition.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. 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.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES PATENT AND TRADEMARK OFFICE

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ST. JUDE MEDICAL NEUROMODULATION DIVISION
6901 PRESTON ROAD
PLANO TX 75024

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Richard B. North, et al. :
Application No. 29/354,410 : ON PETITION
Filed: January 22, 2010 :
Attorney Docket: 04-006 DSN

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed March 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.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before August 5, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed May 5, 2010. Accordingly, the date of abandonment of this application is August 6, 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).

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/
Terri Johnson
Petitions Examiner
Office of Petitions

Enclosed: Terminal Disclaimer to Accompany Petition (PTO/SB/63)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ST. JUDE MEDICAL NEUROMODULATION DIVISION
6901 PRESTON ROAD
PLANO TX 75024

MAILED

JUL 19 2011

OFFICE OF PETITIONS

In re Application of :
Richard B. North, et al. :
Application No. 29/354,410 : DECISION ON PETITION
Filed: January 22, 2010 :
Attorney Docket No. 04-006 DSN :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 30, 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 August 5, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 5, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 6, 2010. A Notice of Abandonment was mailed on August 13, 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 $860 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 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 Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for further processing in accordance with this decision on petition.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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EDWARD LANGER
C/O SHIBOLETH YISRAELI ROBERTS ZISMAN & CO.
1 PENN PLAZA-SUITE 2527
NEW YORK NY 10119

MAILED
NOV 05 2010
OFFICE OF PETITIONS

In re Application of :
Steven Allan LIEBSON, et al :
Application No. 29/354,416 : DECISION ON PETITION
Filed: January 24, 2010 :
Attorney Docket No. 2489 :

This is a decision on the petition, filed August 23, 2010, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability (Notice), mailed April 16, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 17, 2010.

In the petition filed August 23, 2010, petitioner states "upon receipt of the Notice, and upon checking the drawings, it was clear there would not be any suitable and simple explanation to redo the drawings." Petitioner chose not to submit corrected drawings, as required by the Notice, which resulted in the abandonment of the application. In reference to petitioner's statement in regard to contacting the Examiner by telephone, petitioner is reminded that "all business in the Office should be transacted in writing." See 37 CFR 1.2. The request to withdraw holding of abandonment in the above-identified application will not be granted. In this regard, the petition filed August 23, 2010, does not include sufficient evidence to justify granting the petition under 37 CFR 1.181.

ALTERNATIVE

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) 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 the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1620 petition fee (or $810 for small entity).
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 cannot make a statement that the

delay was unintentional unless the entire delay, including 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 petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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 $140 ($70 if small entity) 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 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."

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 Diane Goodwyn at (571) 272-6735.

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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EDWARD LANGER
C/O SHIBOLETH YISRAELI ROBERTS ZISMAN & CO.
1 PENN PLAZA – SUITE 2527
NEW YORK NY 10119

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of :
Steven Allen LIEBSON, et al :
Application No. 29/354,416 : ON PETITION
Filed: January 24, 2010 :
Attorney Docket No. 2489 :

This is a decision on the petitions under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 2010 and November 22, 2010.

The petition is **DISMISSED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability (Notice), mailed April 16, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 17, 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).

In respect to item (1): The Office acknowledges the receipt of the Terminal Disclaimer, however, the replacement drawings were not accepted by the Examiner assigned to this application. In this regard, the reply cannot be considered proper because the Examiner has determined that the drawings do not meet the requirements of the Examiner's Amendment. The elliptical distortion in Fig. 2 has not been resolved and the line quality of the drawings remain rough and closing up. Petitioner is encouraged to review the Examiner's Amendment mailed with the Notice dated April1 16, 2010 and direct any inquiries to the Examiner at (571) 272-4721.

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.

/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

EDWARD LANGER
C/O SHIBOLETH YISRAELI ROBERTS ZISMAN & CO.
1 PENN PLAZA – SUITE 2527
NEW YORK NY 10119

MAILED

FEB 22 2011

OFFICE OF PETITIONS

In re Application of :
Steven Allen LIEBSON, et al :
Application No. 29/354,416 : ON PETITION
Filed: January 24, 2010 :
Attorney Docket No. 2489 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2010.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability (Notice), mailed April 16, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 17, 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 is accepted and has been made of record.

The replacement drawings have been approved by the examiner assigned to the above-identified application.

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.

EDWARD LANGER
c/o SHIBOLETH YISRAELI
ROBERTS ZISMAN & CO.
1 PENN PLAZA-SUITE 2527
NEW YORK NY 10119

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Liebson et al.	:	DECISION ON PETITION
Application No. 29/354,417	:	
Filed: January 24, 2010	:	
Attorney Docket No. 115-007	:	

This is in response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT PER 37 CFR 1.181(a) filed September 26, 2010.

The petition is **DISMISSED**.

Any request for reconsideration pursuant to 37 CFR 1.181 must be filed within **TWO (2) MONTHS**. Extensions of time to file a renewed petition under 37 CFR 1.181 are not permitted. See 1.181(f).

The above-identified application became abandoned effective August 25, 2010 for failure to submit corrected drawings within three months of the mailing date, May 24, 2010, of the Notice of Allowability. The period for reply was nonextendable. A courtesy Notice of Abandonment was mailed on September 8, 2010.

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an

application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

In this instance, there is no dispute that the Notice was received and no reply was submitted. Rather, Petitioner argues that it was thought by the language of the notice that the requirement to file corrected drawings was not "clear as being a requirement." Petitioner points to an inconsistency between the language I(Must Be) and the language "should be" where the examiner's amendment was entitled "Corrected Drawings Must Be Submitted" and the explanation for the need for new drawings was expressed as "new drawings should be submitted", "reproduction details may be lost", and "the distortion should be removed".

Petitioner's arguments have been considered, but not found persuasive. It is well-established that the requirement to submit corrected drawings set forth on the notice of allowability is a requirement and that the failure to comply with this requirement will result in abandonment of the application. See MPEP 608.02 (where it is stated repeatedly "If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability.") The Notice of Allowability is unambiguous in stating that corrected drawings must be submitted and that the three month period for response is not extendable.

Further, even if there was ambiguity, petitioner failed to respond at all. Petitioner allowed the three month period to expire and the application to go abandoned by operation of law. Under these circumstances, withdrawal of the holding of abandonment is not warranted.

Petitioner is not precluded from requesting consideration under § 1.137(b) on the basis of unintentional delay. 37 CFR 1.137(b) provides that:

> If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§ 1.550(d) or 1.957(b) or (c), or a lapsed patent. A grantable petition pursuant to this paragraph 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 Director may require additional information where there is a question whether the delay was unintentional; and
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Further correspondence with respect to this decision 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 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

Paper No.

EDWARD LANGER
c/o SHIBOLETH YISRAELI
ROBERTS ZISMAN & CO.
1 PENN PLAZA-SUITE 2527
NEW YORK NY 10119

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Liebson et al.	:	DECISION ON PETITION
Application No. 29/354,417	:	
Filed: January 24, 2010	:	
Attorney Docket No. 2487	:	

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed August 2, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned effective August 25, 2010 for failure to submit corrected drawings within three months of the mailing date, May 24, 2010, of the Notice of Allowability. A courtesy Notice of Abandonment was mailed on September 8, 2010. By decision mailed April 20, 2011, a prior PETITION TO WITHDRAW HOLDING OF ABANDONMENT PER 37 CFR 1.181(a) filed September 26, 2010 was dismissed.

In response, applicant filed the instant petition. The petition includes the required reply in the form of corrected drawings, the required statement of unintentional delay, payment of the petition fee and a terminal disclaimer (and disclaimer fee). All requirements of 37 CFR 1.137(b) have been met.

The terminal disclaimer has been accepted and made of record.

The application is being forwarded to the Office of Data Management for processing into a patent.

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

THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI, OH 45202

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of :
Born et al. :
Application No. 29/354,439 : ON PETITION
Filed: January 25, 2010 :
Attorney Docket No. D1097D3 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 3, 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 pay the issue fee on or before July 6, 2010, as required by the Notice of Allowance and Fee(s) Due mailed April 5, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on July 7, 2010. A Notice of Abandonment was mailed July 21, 2010.

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(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 item (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.

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure: Final Rule Notice, 62 Fed. Reg. 53131, 5194-95 (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.

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 Internet: EFS-Web[3]

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
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

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

MAILED

MAR 14 2011

OFFICE OF PETITIONS

THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI, OH 45202

In re Application of :
Born et al. :
Application No. 29/354,439 : ON PETITION
Filed: January 25, 2010 :
Attorney Docket No. D1097D3 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 7, 2010 and supplemented on February 11, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before July 6, 2010, as required by the Notice of Allowance and Fee(s) Due mailed April 5, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on July 7, 2010. A Notice of Abandonment was mailed July 21, 2010.

This 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 $1,620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee of $140 as required by 37 CFR 1.137(d).

The terminal disclaimer filed February 11, 2011 is accepted. 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.

Petitioner should note that a second petition fee is not required when filing a renewed petition under 37 CFR 1.137(b), therefore the petition fee of $1,620 minus the amount of $140 required for the terminal disclaimer well be credited to petitioners deposit account. The authorized deposit account will be refunded $1,480 in due course.

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

Date April 21, 2011

Patent No. :D622001
Inventor(s) :Javier Zabala
Issue :August 17, 2010
Title :HAIR DRYER DIFFUSER

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.

Review of the application file has revealed the omission of the Foreign Priority data on the printed patent as a result of applicant's failure to fully comply with 35 U.S.C. 119, in that requirements were not met. Applicant's attention is directed to MPEP 201.14(a), 37 CFR 1.17(i).

In view of the forgoing, applicant's request in this matter is hereby denied. Any inquiry concerning this communication should be directed to Ms. A. Green at (571) 272-9005.

Ms. Mary Diggs, Supevisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-9005

Andrew L. Reibman,
K&L Gates LLP
599 Lexington Avenue
New York, NY 10022

/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEVEN N. FOX, ESQ.
62 SOUTH MAIN STREET
SHARON MA 02067

MAILED

DEC 21 2010

OFFICE OF PETITIONS

In re Application of
David Hsu et al.
Application No. 29/354,467
Filed: January 25, 2010
Attorney Docket No.: 2010-100

ON PETITION

This is a decision on the petition filed November 29, 2010 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned April 6, 2010 for failure to timely respond to the Notice to File Missing Parts mailed February 3, 2010. Accordingly, the Notice of Abandonment was mailed October 26, 2010.

The petition does not satisfy requirement (4) of the regulation.

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. 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.

(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 Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Petitioner must submit a Terminal Disclaimer with any renewed petition since this is a design application. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

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

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

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEVEN N. FOX, ESQ.
62 SOUTH MAIN STREET
SHARON MA 02067

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
David Hsu et al. :
Application No. 29/354,467 : ON PETITION
Filed: January 25, 2010 :
Attorney Docket No.: 2010-100 :

This is a decision on the renewed petition filed December 29, 2010 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

This application became abandoned April 6, 2010 for failure to timely respond to the Notice to File Missing Parts mailed February 3, 2010. Accordingly, the Notice of Abandonment was mailed October 26, 2010. A petition to revive was filed November 29, 2010 with a response to the Notice to File Missing Parts but was dismissed in a decision mailed December 21, 2010 because the petition was not accompanied by a terminal disclaimer.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer, having now been met, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. 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.

(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 Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES 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.

AMIN TALATI, LLC
225 North Michigan Avenue
Suite 700
CHICAGO IL 60601

MAILED

OCT 04 2010

OFFICE OF PETITIONS

In re Application of :
Natan Phiel, Martin Rathgeber, :
and Craig Sirota :
Application No. 29/354,516 : DECISION ON RENEWED PETITION
Filed: January 25, 2010 : PURSUANT TO
Attorney Docket No. KB-106-D : 37 C.F.R. § 1.47(A)
Title: BOTTLE :

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a), filed on August 16, 2010.[1]

This renewed petition is **GRANTED**.

On January 25, 2010, the application was filed, identifying Messrs. Phiel, Rathgeber, and Sirota as joint inventors. An oath or declaration was not included on filing. On February 12, 2010, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of each non-signing inventor;
(4) either
    a) proof that a copy of the entire application (specification, claims,

1 It is noted that August 15, 2010 fell on a Sunday.

drawings, and the oath or declaration) was sent or given to each non-signing inventor for review and proof that each non-signing inventor refuses to join in the application or

b) proof that each non-signing inventor cannot be found or reached after diligent effort, and;

(5) a declaration which complies with 37 C.F.R. § 1.63.

An original petition pursuant to 37 C.F.R. § 1.47(a) was filed on May 12, 2010, along with, *inter alia*, both the petition fee and the fee that is associated with the late submission of the petition, a declaration that has been executed by Mr. Sirota, the last known address of non-signing inventors Phiel and Rathgeber, a statement of facts, copies of e-mails, the search, filing, and examination fees, and a one-month extension of time so as to make timely the submission.

The original petition pursuant to 37 C.F.R. § 1.47(a) was dismissed via the mailing of a decision on June 15, 2010, which indicated that requirements (1) - (3) of 37 C.F.R. § 1.47(a) had been satisfied.

With this renewed petition, Petitioner has established that a complete copy of the application was sent to the last known residential address of each non-signing inventor, and that neither inventor has responded to the mailing.

It follows that the fourth and fifth requirements of Rule 1.47(a) has been satisfied.

Consequently, each requirement of 37 C.F.R. § 1.47(a) has been met.

The above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. § 1.47(a). This application is hereby accorded Rule § 1.47(a) status.

As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventors at the addresses that appear on the Application Data Sheet that was submitted on initial deposit. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[2]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

2 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

Martin Rathgeber
2212 N. Rockwell St.
Chicago, IL 60647

MAILED
OCT 04 2010
OFFICE OF PETITIONS

In re Application of :
Natan Phiel, Martin Rathgeber, :
and Craig Sirota :
Application No. 29/354,516 : LETTER
Filed: January 25, 2010 :
Attorney Docket No. KB-106-D :
Title: BOTTLE :

Dear Mr. Rathgeber:

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, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. 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).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: AMIN TALATI, LLC
225 North Michigan Avenue
Suite 700
CHICAGO IL 60601

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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Natan Phiel
1928 N. Damen Ave.
Rear #2
Chicago, IL 60647

MAILED
OCT 04 2010
OFFICE OF PETITIONS

In re Application of :
Natan Phiel, Martin Rathgeber, :
and Craig Sirota :
Application No. 29/354,516 : LETTER
Filed: January 25, 2010 :
Attorney Docket No. KB-106-D :
Title: BOTTLE :

Dear Mr. Phiel:

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, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. 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).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: AMIN TALATI, LLC
225 North Michigan Avenue
Suite 700
CHICAGO IL 60601

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KALIKO & ASSOCIATES, L.L.C.
400-B Lake Street
RAMSEY NJ 07446

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of :
Brad Smythe Clayton et al. :
Application No. 29/354,543 : ON PETITION
Filed: May 30, 2003 :
Attorney Docket No. **BYRNE P212US** :

This is a decision on the petition under 37 CFR 1.137(b), filed on December 2, 2010, to revive the above-identified application.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Kaliko 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. If, Mr. Kaliko desires to be acknowledged as the attorney of record in this application the appropriate power of attorney documents must be submitted.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed March 23, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 24, 2010.

The petition 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(s) (1) and (4).

The petition does not satisfy item (1) in that the drawings filed October 5, 2009, lack the labeling "Replacement Sheet" for compliance with 37 CFR 1.84(c) and 37 CFR 1.121(d) required by the Notice.

As to item 4, the Office acknowledges receipt of a Terminal Disclaimer and the $70 fee filed concurrently with the instant petition. However, the Terminal Disclaimer is unacceptable and will not be entered because it fails to be signed by a person having power of attorney or by an authorized agent who has power to prosecute the application. Therefore, the petition cannot be granted at this present time.

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) 272-4584.

/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
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KALIKO & ASSOCIATES, L.L.C.
400-B Lake Street
RAMSEY NJ 07446

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Brad Smythe Clayton et al. :
Application No. 29/354,543 : ON PETITION
Filed: May 30, 2003 :
Attorney Docket No. **BYRNE P212US** :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on March 2, 2011, to revive the above-identified application.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed March 23, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 24, 2010.

The petition 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(s) (4).

As to item (4)

The petition still does not satisfy item (4). Petitioner has requested in the instant petition to consider the terminal disclaimer that was previously filed on February 1, 2011. However, the previously filed terminal disclaimer was considered with the previous petition of December 2, 2010, which deemed to be unacceptable and not entered. Therefore, petitioner was required to file a new terminal disclaimer that was signed by a person having power of attorney or by an authorized agent who has power to prosecute the application. I would also like to bring to petitioner's attention that the **Revocation of Power of Attorney submitted with the petition on March 2, 2011,**

was not accepted on March 10, 2011, due to the reason that the signature of the co-inventor was omitted. If petitioner desires to be acknowledged as the attorney of record, the appropriate power of attorney or authorization of agent must be submitted with a new terminal disclaimer. Accordingly, the petition can not be granted at the time.

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) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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400-B Lake Street
RAMSEY NJ 07446

MAILED
JUN 14 2011
OFFICE OF PETITIONS

In re Application of :
Brad Smythe Clayton et al. :
Application No. 29/354,543 : ON PETITION
Filed: May 30, 2003 :
Attorney Docket No. **BYRNE P212US** :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on May 27, 2011, to revive the above-identified application.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed March 23, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 24, 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 $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
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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SINORICA, LLC
19785 CRYSTAL ROCK DRIVE
SUITE 207
GERMANTOWN, MD 20874

MAILED
JUL 12 2011
OFFICE OF PETITIONS

In re Application of :
John E. Harazin :
Application No. 29/354,693 : ON PETITION
Filed: January 27, 2010 :
Attorney Docket No. TP-HARJ-SPN2 :

This is a decision on the petition, filed June 14, 2011 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 submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed February 2, 2011, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 3, 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(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
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SINORICA, LLC
19785 CRYSTAL ROCK DRIVE
SUITE 207
GERMANTOWN MD 20874

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of
John E. Harazin
Application No. 29/354,693
Filed: January 27, 2010
Attorney Docket No. TP-HARJ-SPN2

ON PETITION

This is a decision on the petition filed July 15, 2011, which is being treated as a renewed petition under 37 CFR 1.137(b), 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 payment of the Issue fee; (2) the petition fee; (3) the required statement of unintentional delay; and (4) terminal disclaimer have been 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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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GALLOP JOHNSON & NEUMAN, L.C.
101 S. HANLEY, SUITE 1600
ST. LOUIS, MO 63105

MAILED
DEC 03 2010
OFFICE OF PETITIONS

In re Application of :
Satya Garg et al : DECISION GRANTING PETITION
Application No. 29/354,694 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: January 27, 2010 :
Attorney Docket No. 108303-0061 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed December 1, 2010 and supplemented on December 2, 2010, 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 November 9, 2010 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 December 2, 2010.

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

This matter is being referred to Technology Center AU 2915 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
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
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OPPEDAHL PATENT LAW FIRM LLC (P&A)
P.O. BOX 5940
DILLON, CO 80435-5940

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of :
Brian J. Kelleghan :
Application No. 29/354,843 : ON PETITION
Filed: January 29, 2010 :
Attorney Docket No. 00001.D-0155-341US :

This is a decision on the petition under 37 CFR 1.137(b), filed November 19, 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 Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center AU 2915 for processing of the CPA.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KIMBERLY-CLARK WORLDWIDE, INC.
Tara Pohlkotte
2300 Winchester Rd.
NEENAH WI 54956

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of :
Michael John Faulks et al. :
Application No. 29/354,865 : ON PETITION
Filed: January 29, 2010 :
Attorney Docket No. **64645686US01** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 14, 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 corrected drawings on or before October 4, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 2, 2010. Accordingly, the date of abandonment of this application is October 5, 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).

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 $70 is required. 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 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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KIMBERLY-CLARK WORLDWIDE, INC.
Tara Pohlkotte
2300 Winchester Rd.
NEENAH WI 54956

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
Michael John Faulks et al. :
Application No. 29/354,865 : ON PETITION
Filed: January 29, 2010 :
Attorney Docket No. **64645686US01** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 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 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 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 20 2010

OFFICE OF PETITIONS

PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

In re Application of
Mark Pearson et al.
Application No. 29/354,881
Filed: January 29, 2010
Attorney Docket Number:
102792-1080(12292D1)

ON PETITION

This is a decision on the petition, filed September 22, 2010 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed June 17, 2010 which set a three month statutory period for response. The instant petition and this decision precede the mailing of the Notice of Abandonment.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer, having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. 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.

(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 Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK, NY 10022

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of :
Pearson et al. :
Application No. 29/354,882 : DECISION ON PETITION
Filed: January 29, 2010 :
Attorney Docket No. 102792-1081 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 26, 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 March 9, 2011, as required by the Notice of Allowance and Fee(s) Due mailed December 9, 2010, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on March 10, 2011. A Notice of Abandonment was mailed on March 25, 2011.

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 $1,620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee of $140 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.

The terminal disclaimer filed April 26, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : March 25, 2011 Paper No.: _____

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29354990 Patent No.: D623136

CofC mailroom date: Mar. 1, 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
703-756-1814

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: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER
AU: 2911

PAGE 2/5 * RCVD AT 4/14/2011 11:01:55 AM [Eastern Daylight Time] * SVR:W-PTOFAX-001/20 * DNIS:2709892 * CSID: * DURATION (mm-ss):02-21

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of :
Allo Allo, et al. : DECISION ON PETITION
Application No. 29/355,082 :
Filed: February 2, 2010 :
Docket No.: 19800US02 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 16, 2010.

The Notice of Abandonment mailed October 1, 2010 indicates that the application is abandoned for failure to timely submit a proper reply to the Office communication mailed February 22, 2010.

Petitioner asserts that a reply, including five month extension of time, was timely filed September 20, 2010.

The reply, including extension of time, filed September 20, 2010, has been located in the official application file.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

The application file is being forwarded to the Office of Patent Application Processing 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

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DEC 21 2010

OFFICE OF PETITIONS

In re Application of :
Allo Allo, et al. : CORRECTED DECISION ON PETITION
Application No. 29/355,082 :
Filed: February 2, 2010 :
Docket No.: 19800US02 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 16, 2010. The decision mailed December 13, 2010 is hereby VACATED and WITHDRAWN.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **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 1.181." This is not a final agency decision.

The application became abandoned September 23, 2010 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed February 22, 2010. An incomplete reply and a petition for five month extension of time were filed September 20, 2010. Notice of Abandonment was mailed October 1, 2010.

Petitioners herein argue that a reply to the Notice to File, including extension of time, was filed September 20, 2010.

A review of the record reveals the reply submitted September 20, 2010 is incomplete in that the declaration is improperly executed on behalf of inventor Allo Allo. Thus, the declaration fails to comply with 37 CFR 1.63(a)(1).

Any request for reconsideration must include a newly executed oath or declaration signed by each inventor named in the application and/or, if appropriate, petition under 37 CFR 1.47.

ALTERNATE VENUE

Petitioners are strongly encouraged to consider filing 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 the issue fee

was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee.

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 cannot make a statement that the delay was unintentional unless the entire delay, including 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 petitioner 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 P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand delivery:	U.S. Patent and Trademark Office Customer Window, **Mail Stop Petition** Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

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MAR 08 2011

OFFICE OF PETITIONS

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In re Application of
Allo Allo, et al.
Application No. 29/355,082
Filed: February 2, 2010
Atty. Dkt. No.: 19800US02

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a) and DISMISSING
: PETITION UNDER 37 CFR 1.137(b)

This decision is in response to the petition under 37 CFR 1.47(a) filed February 14, 2011.

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 37CFR 1.47(a) and 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

DECISION UNDER 37 CFR 1.137(b)

The application became abandoned September 23, 2010 for failure to timely submit a proper reply to the Notice to File Missing Parts (Notice), mailed February 22, 2010. The Notice set a set a two month statutory period of time for reply. Notice of Abandonment was mailed October 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(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 fails to satisfy requirements (1) and (4) set forth above.

As to item (1), the petition fails to satisfy the reply requirement by virtue of the dismissal under 37 CFR 1.47(a). Any request for reconsideration must be accompanied by a grantable petition pursuant to 37 CFR 1.47(a) or an oath or declaration executed by the non-signing inventor Allo Allo.

The instant petition fails to satisfy requirement (4) set forth above. The instant petition lacks the required terminal disclaimer (and fee) as required per 37 CFR 1.137(d). Any renewed petition must be accompanied by the required terminal disclaimer (and fee).

DECISION UNDER 37 CFR 1.47(a)

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

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

As to item (1), petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

Petitioners advise of efforts to communicate with the non-signing inventor via email. Petitioners assert that to date, the inventor has been unresponsive.

Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

The supporting documents included with the petition do not establish that the inventor received a complete copy of the application papers via email. Typically a non-signing inventor would indicate receipt of the email and referenced attachments via return email in a 37 CFR 1.47(a) scenario. Thus, it cannot be established that the non-signing inventor received the application papers via email and thereafter refused to sign the oath or declaration.

To the extent that petitioners continue to communicate with the inventor via email, any renewed petition must be accompanied by evidence which sufficiently establishes that the copy of the application papers forwarded to the inventor via email was in a form that could be read and comprehended by the intended recipient, and that it was in fact received, opened and read by the intended recipient.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and

detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

As to item (3), the required petition fee of $200.00 has been charged to the authorized deposit account.

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 hand:	U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
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JUN 16 2011

OFFICE OF PETITIONS

In re Application of
Allo Allo, et al.
Application No. 29/355,082
Filed: February 2, 2010
Atty. Dkt. No.: 19800US02

: DECISION NOTING JOINDER OF
: INVENTOR, PETITION UNDER
: 37 CFR 1.47(a), and PETITION UNDER
: 37 CFR 1.137(b)

Papers filed on June 8, 2011 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed March 8, 2011, included a Declaration signed by a previously non-signing inventor in compliance with 37 CFR 1.42 and 1.63. This is also a decision pursuant to 37 CFR 1.137(b).

DECISION UNDER 37 CFR 1.137(b)

The application became abandoned September 20, 2010 for failure to timely submit a proper reply to the Notice to File Missing Parts (Notice), mailed February 19, 2010. The Notice set a set a two month statutory period of time for reply. Notice of Abandonment was mailed October 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(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 carefully reviewed and found in compliance with the provisions set forth above.

In view thereof, the petition under 37 CFR 1.137(b) is hereby **GRANTED**.

DECISION UNDER 37 CFR 1.47(a)

Papers filed on June 8, 2011 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed March 8, 2011, included a Declaration signed by a previously non-signing inventor in compliance with 37 CFR 1.42 and 1.63.

In view thereof, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

In view of the joinder of the inventors, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Allo Allo, et al. : DECISION ON PETITION
Application No. 29/355,083 :
Filed: February 2, 2010 :
Atty. Dkt. No.: 19798US02 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed November 16, 2010.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **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 1.181." This is not a final agency decision.

The application became abandoned September 20, 2010 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed February 19, 2010. An incomplete reply and a petition for five month extension of time were filed September 20, 2010. Notice of Abandonment was mailed October 1, 2010.

Petitioners herein argue that a reply to the Notice to File, including extension of time, was filed September 20, 2010.

A review of the record reveals the reply submitted September 20, 2010 is incomplete in that the declaration is improperly executed on behalf of inventor Allo Allo. Thus, the declaration fails to comply with 37 CFR 1.63(a)(1).

Any request for reconsideration must include a newly executed oath or declaration signed by each inventor named in the application and/or, if appropriate, petition under 37 CFR 1.47.

ALTERNATE VENUE

Petitioners are strongly encouraged to consider filing 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 the issue fee

was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee.

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 cannot make a statement that the delay was unintentional unless the entire delay, including 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 petitioner 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:

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P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand delivery: U.S. Patent and Trademark Office
Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

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Petitions Attorney
Office of Petitions

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MAR 08 2011

OFFICE OF PETITIONS

In re Application of
Allo Allo, et al.
Application No. 29/355,083
Filed: February 2, 2010
Atty. Dkt. No.: 19798US02

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a) and DISMISSING
: PETITION UNDER 37 CFR 1.137(b)

This decision is in response to the petition under 37 CFR 1.47(a) filed February 14, 2011.

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 37CFR 1.47(a) and 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

DECISION UNDER 37 CFR 1.137(b)

The application became abandoned September 20, 2010 for failure to timely submit a proper reply to the Notice to File Missing Parts (Notice), mailed February 19, 2010. The Notice set a set a two month statutory period of time for reply. Notice of Abandonment was mailed October 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(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 fails to satisfy requirements (1) and (4) set forth above.

As to item (1), the petition fails to satisfy the reply requirement by virtue of the dismissal under 37 CFR 1.47(a). Any request for reconsideration must be accompanied by a grantable petition pursuant to 37 CFR 1.47(a) or an oath or declaration executed by the non-signing inventor Allo Allo.

The instant petition fails to satisfy requirement (4) set forth above. The instant petition lacks the required terminal disclaimer (and fee) as required per 37 CFR 1.137(d). Any renewed petition must be accompanied by the required terminal disclaimer (and fee).

DECISION UNDER 37 CFR 1.47(a)

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

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

As to item (1), petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

Petitioners advise of efforts to communicate with the non-signing inventor via email. Petitioners assert that to date, the inventor has been unresponsive.

Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

The supporting documents included with the petition do not establish that the inventor received a complete copy of the application papers via email. Typically a non-signing inventor would indicate receipt of the email and referenced attachments via return email in a 37 CFR 1.47(a) scenario. Thus, it cannot be established that the non-signing inventor received the application papers via email and thereafter refused to sign the oath or declaration.

To the extent that petitioners continue to communicate with the inventor via email, any renewed petition must be accompanied by evidence which sufficiently establishes that the copy of the application papers forwarded to the inventor via email was in a form that could be read and comprehended by the intended recipient, and that it was in fact received, opened and read by the intended recipient.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and

detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

As to item (3), the required petition fee of $200.00 has been charged to the authorized deposit account.

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 hand:	U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

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JUN 16 2011

OFFICE OF PETITIONS

In re Application of
Allo Allo, et al.
Application No. 29/355,083
Filed: February 2, 2010
Atty. Dkt. No.: 19798US02

: DECISION NOTING JOINDER OF
: INVENTOR, PETITION UNDER
: 37 CFR 1.47(a), and PETITION UNDER
: 37 CFR 1.137(b)

Papers filed on June 8, 2011 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed March 8, 2011, included a Declaration signed by a previously non-signing inventor in compliance with 37 CFR 1.42 and 1.63. This is also a decision pursuant to 37 CFR 1.137(b).

DECISION UNDER 37 CFR 1.137(b)

The application became abandoned September 20, 2010 for failure to timely submit a proper reply to the Notice to File Missing Parts (Notice), mailed February 19, 2010. The Notice set a set a two month statutory period of time for reply. Notice of Abandonment was mailed October 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(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 carefully reviewed and found in compliance with the provisions set forth above.

In view thereof, the petition under 37 CFR 1.137(b) is hereby **GRANTED**.

DECISION UNDER 37 CFR 1.47(a)

Papers filed on June 8, 2011 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed March 8, 2011, included a Declaration signed by a previously non-signing inventor in compliance with 37 CFR 1.42 and 1.63.

In view thereof, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

In view of the joinder of the inventors, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

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OFFICE OF PETITIONS

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In re Application of :
ALLO ALLO et al. :
Application No. 29/355,085 : DECISION ON PETITION
Filed: 02/02/2010 :
Attorney Docket No. 19799US02 :

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181(a) filed November 16, 2010.

The petition under 37 CFR 1.181 is DISMISSED.

On February 19, 2010, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set a two-month extendable period to submit a properly signed oath or declaration in compliance with 37 CFR 1.63 or a petition under 37 CFR 1.47 accompanied by a declaration signed by all available joint inventors or an appropriate party on behalf of the non-signing inventors to avoid abandonment. Additionally, the Notice required the submission of a surcharge.

On Monday, September 20, 2010, petitioners submitted a request for an extension of time for response within the fifth month (and fee), a Declaration for Design Application Using an Application Data Sheet, and a $65.00 surcharge. On October 1, 2010, the Office mailed a Notice of Abandonment for failing to submit a timely and proper reply to the Notice to File Missing Parts of Nonprovisional Application.

It is undisputed that petitioners filed a timely response to the Notice to File Missing Parts of Nonprovisional Application on Monday, September 20, 2010; however, the reply was improper. In response to the Notice to File Missing Parts of Nonprovisional Application, petitioner submitted a declaration listing Bryan N. Allo Allo as the first named inventor. However, the signature block for Mr. Allo contained the signature of "Christoper V. Carani Action on behalf of and with authority from Mr. Bryan N. Allo Allo."

The Office notes that the Notice to File Missing Parts required either (1) a properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the Application Number and Filing Date or (2) a petition under 37 CFR 1.47 accompanied by an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available, by a party with sufficient proprietary interest.

Petitioners failed to submit a proper reply in the form of an executed declaration in compliance with 37 CFR 1.63 or a petition under 37 CFR 1.47 accompanied by a declaration signed by all available joint inventors or an appropriate party on behalf of the non-signing inventor (leaving the signature block blank for the non-signing inventor). Rather, petitioners filed a declaration improperly executed on behalf of Mr. Allo. Accordingly, the requirements for filing a timely and proper reply to the Notice were not met. Accordingly, the application is abandoned as of September 19, 2010

Pursuant to 37 CFR 1.135 states:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment [37 CFR 1.153(a)] must include such complete and proper reply as the condition of the application may require...

The filing of the improper reply did not toll the period for responding to the outstanding Notice to File Missing Parts. Abandonment takes place by operation of law for failure to reply to an Office action or Notice within the period for response, including any available extensions of time. Although the Office attempts to notify parties as to defective papers in order to permit timely refiling, it has not obligation to do. Rather, it is the applicants who are ultimately responsible for filing a timely, proper and complete reply to the Notice to File Missing Parts within the time period provided in the Notice to save the application from abandonment.

In the alternative, the petitioners may wish to file a petition under 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 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 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 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and,
>
> (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

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
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401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

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
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CHICAGO, IL 60661

MAILED

APR 14 2011

OFFICE OF PETITIONS

In re Application of :
Bryan N. Allo Allo, et al. :
Application No. 29/355,085 : ON PETITION
Filed: February 2, 2010 :
Attorney Docket No.: 19799US02 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 14, 2011, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.47(a) filed February 14, 2011.

The application became abandoned on April 20, 2010 for a failure to timely respond to a Notice to File Missing Parts (Notice) mailed February 19, 2010. The Notice required, within two (2) months from the mail date of the notice, an oath or declaration and the requisite surcharge. A Notice of Abandonment was subsequently mailed on October 1, 2010. On November 16, 2010 a petition under the provisions of 37 CFR 1.181 was filed; however, the petition was dismissed in a decision mailed February 1, 2011. In response, on February 14, 2011, the present petition under the provisions of 37 CFR 1.137(b) was filed, along with a declaration signed by less than all the inventors and a Petition Under 37 CFR 1.47(a).

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

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (**2**) the petition fee required by 37 CFR 1.17(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**) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)).

This petition lacks items (1) and (4) above.

As to item (1) -- The petition is not accompanied by an oath or declaration under 37 CFR 1.63, signed by all the joint inventors, in response to the Notice of Missing Parts mailed February 19, 2010, **or** a grantable petition under 37 CFR 1.47(a).

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 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. A terminal disclaimer fee of $140 ($70 if small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

In view of the above, the application cannot be revived at this time. until an acceptable

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

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest, and (6) proof of irreparable damage.

The petition lacks items (1) and (3).

As to item (1) -- Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers to the non-signing inventor at the non-signing inventor's last know address, typically a residential address.

A review of the evidence fails to show that a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) was given or sent to the non-signing inventor at the non-signing inventor's last know address. In fact, petitioner's declaration indicates that "During the entirety of this matter...inventors and counsel have communicated via e-mail for the purposes of securing signed declarations and assignments." It is noted that an e-mail was sent to the non-signing inventor on February 15, 2010 "requesting that he review, and if acceptable, sign and returned to me the declaration..." It is further noted that several reminder e-mails followed dated February 18, 2010, March 8, 2010, April 1, 2010 and April 27, 2010, respectively, but the non-signing inventor did not thereafter sign the declaration.

Refusal by inventor Allo Allo cannot be inferred as the evidence submitted does not indicates that the application was actually received by him at his last known address. If an inventor is not presented with a copy of the application papers for this application, then he could not attest that he has "reviewed and understands the application papers" and could not execute the declaration he was requested to sign.

Similarly, while the transmission of documents via e-mail is common practice, it can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be effected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Thus, in the absence of an express statement from a non-signing inventor he has received, opened and read a document, unlike a printed page in the language of the recipient there is as of this writing no basis to presume that an Emailed document was in a form that can be read and comprehended.

Therefore, at the very least, petitioner should mail correspondence to the last known address of joint inventor, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to that address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct.

In the event that the application papers are returned as undeliverable, petitioners may show diligent efforts to locate the non-signing inventor by providing a copy of an envelope showing that a letter sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Furthermore, details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have demonstrated that the inventors cannot be reached, despite diligent efforts, or have refused to sign the declaration.

As to item (3) -- The $200 petition fee pursuant to 37 CFR 1.17(g) was not submitted.

Any request for reconsideration of the decisions under 37 CFR 1.137(b) and 1.47(a) must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration requests should include a cover letter entitled (1) "Renewed Petition under 37 CFR 1.137(b)," as well as any omitted items, and (2) "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," addressing only the deficiencies noted in this decision, except that the reply may include an oath or declaration executed by the non-signing inventor. Any extensions of time will be governed by 37 CFR 1.136(a).

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 22313-1450By 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[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 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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SUITE 3400
CHICAGO, IL 60661

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JUN 23 2011

OFFICE OF PETITIONS

In re Application of :
Bryan N. Allo Allo :
Application No.: 29/355,085 : ON PETITION
Filed: February 2, 2010 :
Attorney Docket No.: 19799US02 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 8, 2011, to revive the above-identified application. This is also a decision in response to the renewed petition under 37 CFR 1.47(a).

The application became abandoned for failure to timely respond to a Notice to File Missing Parts (Notice) mailed February 19, 2010. A Notice of Abandonment was mailed on October 1, 2010. On February 14, 2011 a petition under the provisions of 37 CFR 1.137(b) and a petition under 37 CFR 1.47(a) were filed; however, the petitions were dismissed in a decision mailed April 13, 2011. In response, on June 8, 2011, the present petitions were filed, including, *inter alia*, a declaration signed by the previously non-signing inventor, Bryan N. Allo Allo, in compliance with 37 CFR 1.63.

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

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

In regard to the petition under 37 CFR 1.137(b) - A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (**2**) the petition fee required by 37 CFR 1.17(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**) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)).

The petition, as supplemented, is found to satisfy the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an executed declaration under 37 CFR 1.63, including the surcharge for it's late filing; (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 June 8, 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 Patent Application Processing (OPAP) for further pre-examination processing.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK NY 10177

MAILED

DEC 07 2010

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Lagnese :
Application No. 29/355,156 :
Filed: February 3, 2010 :
Attorney Docket No. P201209.US.01 – :
454081-00 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 17, 2010, to revive the above-identified application.

The application became abandoned September 17, 2010 for failure to timely submit a proper reply to the Notice of Allowability (Notice), mailed June 16, 2010. The Notice set a set a three month statutory period of time for reply. Notice of Abandonment was mailed October 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(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 fails to satisfy requirement (4) set forth above. The instant petition lacks the required terminal disclaimer (and fee) as required per 37 CFR 1.137(d). Any renewed petition must be accompanied by the required terminal disclaimer (and fee).

In view thereof, 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 37CFR 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) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK NY 10177

MAILED
MAR 01 2011
OFFICE OF PETITIONS

In re Application of :
Lagnese :
Application No. 29/355,156 : ON PETITION
Filed: February 3, 2010 :
Attorney Docket No. P201209.US.01 – :
454081-00 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 13, 2011, to revive the above-identified application.

The application became abandoned September 17, 2010 for failure to timely submit a proper reply to the Notice of Allowability (Notice), mailed June 16, 2010. The Notice set a set a three month statutory period of time for reply. Notice of Abandonment was mailed October 1, 2010. A petition under 37 CFR 1.137(b) was filed November 17, 2010 and dismissed December 7, 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 above-identified requirements.

In view thereof, the petition is hereby **GRANTED**.

This application is being forwarded to the Office of Data Management.

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

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NEW YORK NY 10177

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NOV 22 2010

OFFICE OF PETITIONS

In re Application of
Chorthip Lagnese
Application No. 29/355,169
Filed: February 3, 2010
Attorney Docket No. **P201210.US.01 - 454081-00**

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2010, to revive the above-identified application.

The application became abandoned for failure to submit formal drawings on or before September 15, 2010, as required by the Notice of Allowability, mailed June 16, 2010. Accordingly, this application became abandoned on September 16, 2010.

The petition 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 Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) and (4).

As to item (1)

The drawings filed concurrently with the instant petition lack the labeling "Replacement Sheet" for compliance with 37 CFR 1.84(c) and 37 CFR 1.121(d) required by the Notice. This application can not be granted until the item noted above is corrected.

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
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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

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250 PARK AVENUE
NEW YORK NY 10177

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MAR 01 2011

OFFICE OF PETITIONS

In re Application of :
Chorthip Lagnese :
Application No. 29/355,169 : ON PETITION
Filed: February 3, 2010 :
Attorney Docket No. **P201210.US.01 - 454081-00** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 13, 2011, to revive the above-identified application.

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 to be processed into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

MAILED
JUN 16 2011
OFFICE OF PETITIONS

In re Application of :
FISHER, Michael G. et al. :
Application No. 29/355,170 : DECISION ON PETITION
Filed: February 03, 2010 : TO WITHDRAW
Attorney Docket No. **B-6598CIP 625472-0** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 20, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R 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 change of address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under C.F.R 3.71, who has properly intervened.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to 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
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Patent No. : D654,167 S
Ser. No. : 29/355,170
Inventor(s) : Fisher et al.
Issued : Feb. 14, 2012
Title : SURGICAL SAW DEVICE
Docket No. : SYNV.019DP1
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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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OFFICE OF PETITIONS

In re Patent No. D654167 :
Issue Date: February 14, 2012 :
Application No. 29/355,170 : ON PETITION
Filed: February 3, 2010 :
Attorney Docket No. SYNV.019DP1 :

This is a decision on the petition filed January 9, 2012, which is being treated as a request under 37 CFR 3.81(b) to add the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

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". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any request for issuance of an application in the name of the assignee submitted after the date of the payment of the issue fee, and any request that a patent be corrected to state the name of assignee must:

(A) state the assignment was submitted for recordation as set forth in 37 CFR §3.11 before issuance of the patent;

(B) provide a request for a certificate of correction §1.323;

(C) provide the fee set forth in 37 CFR §1.20 (a) and

(D) provide the processing fee set forth in 37 CFR §1.17(i)

Petitioner has requested that the assignee "SYNVASIVE TECHNOLOGY, INC., RENO, NV" be added to the front page of the patent. However a review of the record shows that the certificate of

correction provided does not match the assignment records. The records show "SYNVASIVE TECHNOLOGY, INC., **EL DORADO HILLS, CALIFORNIA**".

As such if petitioner would like to add the assignee, a new certificate of correction referencing EL DORADO HILLS CALIFORNIA must be submitted.

As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

Further correspondence with respect to this matter may 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

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03-31-2011 Paper No.: —

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.29355205 Patent No: D626138

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 figure 1of 1 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.

—

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

AV: 2911

PAGE 3/5 * RCVD AT 4/14/2011 11:01:55 AM [Eastern Daylight Time] * SVR:W-PTOFAX-001/20 * DNIS:2709892 * CSID: * DURATION (mm-ss):02-21

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/22/2011 Paper No.: —

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/355213 Patent No.: D626139S

CofC mailroom date: 3/17/2011

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

Virginia Talbert
Certificates of Correction Branch
571. 272.0460

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: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

SPE

2911
Art Unit

PTOL-308 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 08 2011

OFFICE OF PETITIONS

KEITH FRANTZ
401 WEST STATE STREET
SUITE 200
ROCKFORD IL 61101

In re Application of :
Brad N. WAGNER : ON PETITION
Application No. 29/355,231 :
Filed: February 4, 2010 :

This is in response to the petition under 37 CFR 1.137(b), filed August 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed June 28, 2010 (Notice), which set a period for reply of three (3) months. The application became abandoned September 29, 2010. A Notice of Abandonment was mailed October 11, 2010.

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 in accordance with the Notice mailed June 28, 2010, (2) a petition fee of $810, (3) a statement of unintentional delay, and (4) 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 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 inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

This application is being referred to the Office of Data Management for processing of the file reply.

for Anthony Knight
Director
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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PO BOX 1895, M.S. 641
NEW HOLLAND PA 17557

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of :
Marvin PRICKEL, et al :
Application No. 29/355,252 :
Filed: February 4, 2010 :
Attorney Docket No. 19505 (1016.199) :

DECISION
ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 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 July 7, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 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) (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).

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.

/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
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INTELLECTUAL PROPERTY LAW DEPT.
PO BOX 1895, M.S. 641
NEW HOLLAND PA 17557

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of :
Marvin PRICKEL, et al :
Application No. 29/355,252 : DECISION ON PETITION
Filed: February 4, 2010 :
Attorney Docket No. 19595 (1016.199) :

This is a decision on the renewed 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 timely pay the required issue fee on or before October 27, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed July 7, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 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 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 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.

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

Cc: REBECCA HENKEL
CNH CANADA, LTD.
700 STATE STREET
RACINE, WISCONSIN 53404

UNITED STATES 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.

LAW OFFICE OF KYLE FLETCHER
P.O. Box 11735
CHARLOTTE NC 28220

MAILED

JAN 12 2011

OFFICE OF PETITIONS

In re Application of :
Joe Augustine : DECISION ON
Application No. 29/355,361 : PETITION
Filed: February 5, 2010 :
Atty Docket No. 09-130-IH-D :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 20, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the required issue fee within three months of the mailing date of the Notice of Allowance mailed April 13, 2010. The Notice set a three-month non-extendable period for reply. A courtesy Notice of Abandonment was mailed on August 2, 2010.

In response, applicant filed the instant petition. The petition includes the required reply[1] in the form of payment of the issue fee, the required statement of unintentional delay (and details of the facts and circumstances of the delay to support a conclusion that it was unintentional), payment of the petition fee and a terminal disclaimer (and disclaimer fee). All requirements of 37 CFR 1.137(b) have been met.

The terminal disclaimer has been accepted and made of record.

The application is being forwarded to the Office of Data Management for processing into a patent.

[1] There was no requirement for payment of a publication fee or for corrected drawings (see also Notice of Allowability).

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
29/355,463	02/08/2010	Jacqueline Ann Daniels	D1622	1285

27752 7590 09/27/2011

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER	
TUTTLE, CATHERINE A	

ART UNIT	PAPER NUMBER
2912	

MAIL DATE	DELIVERY MODE
09/27/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

9/27/11

In re Application of :
JACQUELINE ANN DANIELS, ET AL. :
Application No. 29/355,463 : PETITION DECISION
Filed: February 08, 2010 :
For: DISPENSING BOTTLE :
Attorney Docket No. D1622 :

This is a decision on the petition to the Director, under 37 CFR 1.181(a) filed June 13, 2011, requesting that withdraw the outstanding objections to the drawing raised in the Final Office action dated March 24, 2011, and maintained by the examiner in the advisory mailed June 03, 2011.

The petition is **GRANTED**.

A review of the application file reveals that the Office action mailed on March 24, 2011, and reiterated in the advisory action of June 03, 2011, objected to the drawings for failing to provide shading to figures. Specifically, the Examiner contends that the required shading is needed to represent the claimed portion of the bottom end adjacent to the portion that is unclaimed. Otherwise, the claim scope would be inconsistent between the bottom end (wherein the entire unshaded area is to be disclaimed) and the elevation views that are claiming a portion of the unshaded area. The Examiner further states that it is possible to provide shading without reducing legibility. All that would be needed are two or three thin, concentric contour lines (with breaks) immediately adjacent the present inner boundary.

Petitioner states that the examiner is in agreement insofar as the contour of the rounded edge portion can be understood without shading in the bottom view. Petitioner contends that this finding is dispositive for if the design can be understood, the objection is moot and should be withdrawn.

The petitioner further contends that contour lines are present in the bottom view (see, e.g., Figure 6). Petitioner asserts that no inconsistency exists between the bottom view (e.g., Figure 6) and the elevation view (e.g., Figure 4)

Finally, petitioner argues that shading is present and the design is discernable from the bottom view with existing contour shading along with the elevation views. Any additional contour shading along

with the existing shading does not aid in the understanding of the design and can only serve to reduce legibility.

After a thorough review of the record, it is concluded that the drawing objections set forth by the examiner with respect to the contour lines and shading are unnecessary for the understanding of the invention. Accordingly, the objection will be withdrawn and the case forwarded the examiner for action on the merits.

SUMMARY: Petition Granted

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

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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HEAD JOHNSON & KACHIGIAN
228 W. 17TH PLACE
TULSA, OK 74119

MAILED

AUG 23 2010

OFFICE OF PETITIONS

In re Application of :
Abraham B. Contreras :
Application No. 29/355,519 : NOTICE
Filed: February 9, 2010 :
Attorney Docket No. CON875-00/09409

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**.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/14/11

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29355545 Patent No.: D639072

CofC mailroom date: 06/24/11

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: _____

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.

XX 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/ 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
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PATENT DEPARTMENT
LARKIN, HOFFMAN, DALY & LINDGREN, LTD.
1500 WELLS FARGO PLAZA
7900 XERXES AVENUE SOUTH
BLOOMINGTON, MN 55431

MAILED

OCT 21 2010

OFFICE OF PETITIONS

In re Application of :
John Michael Demskie, et al. :
Application No. 29/355,580 : ON PETITION
Filed: February 10, 2010 :
Attorney Docket No.: 32633.00010 :

This is a decision on the petition, filed August 20, 2010, 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 submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed May 4, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 5, 2010. A Notice of Abandonment was mailed on August 19, 2010. On August 20, 2010, 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).

[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.

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 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.

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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United States Patent and Trademark Office
P.O. Box 1450
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PATENT DEPARTMENT
LARKIN, HOFFMAN, DALY & LINDGREN, LTD.
1500 WELLS FARGO PLAZA
7900 XERXES AVENUE SOUTH
BLOOMINGTON, MN 55431

MAILED

DEC 16 2010

OFFICE OF PETITIONS

In re Application of
John Michael Demskie, et al.
Application No. 29/355,580
Filed: February 10, 2010
Attorney Docket No.: 32633.00010

ON PETITION

This is a decision in response to the renewed petition, filed October 25, 2010, to revive the above-identified design application under 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for a failure to timely submit corrected formal drawings on or before August 4, 2010, as required by the Notice of Allowability, mailed May 4, 2010. A Notice of Abandonment was mailed August 19, 2010. On August 20, 2010 a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed by a decision mailed October 20, 2010. In response, on October 25, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected 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 October 25, 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 for further processing, including overseeing the review of the drawing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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BANNER & WITCOFF, LTD.
and ATTORNEYS FOR CLIENT NO. 006943
10 SOUTH WACKER DR.
SUITE 3000
CHICAGO, IL 60606

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of
Jeremy M. While, et al.
Application No. 29/355,593
Filed: February 10, 2010
Attorney Docket No.: 066943.00345

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is a decision in response to the petition under 37 CFR 1.47(a) filed August 20, 2010.

The petition is **GRANTED**.

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

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

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

The application is being forwarded to Technology Center 2912 for appropriate action, including notifying applicant of the new status of this application.

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

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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MS. SWITLANA WOJCICKYJ
46 SAINT JOHNS PL
CHAPPAQUA, NY 10514

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Jeremy M. White, Switlana Wojcickyj, Stanley :
Hainsworth, Brent Lindberg and Matthew Schmunk :
Application No.: 29/355,593 :
Filed: February 10, 2010 :
For: BOTTLE :

LETTER

Dear Ms. Wojcickyj:

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 the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: BANNER & WITCOFF, LTD.
and ATTORNEYS FOR CLIENT NO. 006943
10 SOUTH WACKER DR.
SUITE 3000
CHICAGO, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104

MAILED
NOV 15 2011
OFFICE OF PETITIONS

In re :
Patent No. D626657 : DECISION ON PETITION
Issued: November 2, 2010 :
Application No. 29/355,746 :
Filed: February 12, 2010 :

This is a decision on the petition under 37 CFR 1.182, filed November 2, 2011, 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
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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
233 S. Wacker Drive-Suite 6600
CHICAGO IL 60606-6473

MAILED
DEC 0 9 2010
OFFICE OF PETITIONS

In re Application of
Bower et al.
Application No. 29/355,752
Filed: February 12, 2010
Attorney Docket No. D10,0035

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2010 and the Supplemental Request filed November 19, 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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Trevor B. Joike on behalf of all attorneys of record who are associated with Customer Number 26574.

All attorneys/agents associated with the Customer Number 26574 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Eric Steven Bower
320 West Sheridan Place
Lake Bluff, IL 60044

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SEP 15 2011

OFFICE OF PETITIONS

Davis Wright Tremaine LLP - Portland
William A. Birdwell
1300 S.W. Fifth Avenue
SUITE 2300
Portland, OR 97201-5630

In re Application of :
Mark R. Bates, et. al. :
Application No. 29/355,772 : ON PETITION
Filed: February 12, 2010 :
Attorney Docket No. 91341-001US2 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 22, 2011, to revive the above-identified application.

The petition is **dismissed**.

The application became abandoned for failure to file a timely reply to the Notice of Allowance and Fee(s) Due mailed on March 9, 2011. A Notice of Abandonment was mailed on June 24, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack items (3) and (4).

The Office acknowledges receipt of $810 for the petition to revive fee, $430 for payment of the issue fee and $70 for payment of the Terminal Disclaimer fee. However, the present petition and Terminal Disclaimer filed on August 22, 2011, fails to contain a proper s-signature of the petitioner. Therefore, the petition and Terminal Disclaimer cannot be accepted at this time.

Petitioner is reminded that the requirements for an S-signature under 37 CFR 1.4 (d)(2) are as follows:

> (i) The S-signature must consist only of letters, or Arabic numerals, or both, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation, and the person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second single forward slash mark after, the S-signature (e.g., /Dr. James T. Jones, Jr./); and
>
> (ii) A patent practitioner (§ 1.32(a)(1)), signing pursuant to §§ 1.33(b)(1) or 1.33(b)(2), must supply his/her registration number either as part of the S-signature, or immediately below or adjacent to the S-signature. The number (#) character may be used only as part of the S-signature when appearing before a practitioner's registration number; otherwise the number character may not be used in an S-signature.
>
> (iii) The signer's name must be:
>
> (A) Presented in printed or typed form preferably immediately below or adjacent the S-signature, and
>
> (B) Reasonably specific enough so that the identity of the signer can be readily recognized.

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)," and include the lacking items noted above. This is not a final agency action within the meaning of 35 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.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

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
P.O. Box 1450
Alexandria, VA 22313-1450
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Davis Wright Tremaine LLP - Portland
William A. Birdwell
1300 S.W. Fifth Avenue
SUITE 2300
Portland, OR 97201-5630

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NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Mark R. Bates, et. al. :
Application No. 29/355,772 : ON PETITION
Filed: February 12, 2010 :
Attorney Docket No. 91341-001US2 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 2, 2011, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $430 for payment of the design issue fee; (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). Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed November 2, 2011, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICES OF CHARLES L. THOEMING
BIELEN, LAMPE & THOEMING, P.A.
TWO CORPORATE CENTRE 1390 WILLOW PASS ROAD
SUITE 1020
CONCORD, CA 94520

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of :
Andrew H. McGrath :
Application No. 29/355,883 : ON PETITION
Filed: February 16, 2010 :
Attorney Docket No. 11110D :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 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 corrected formal drawings in a timely manner in response to the Notice of Allowability, mailed October 20, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 21, 2011. A Notice of Abandonment was mailed February 4, 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).

While the Office recognizes that the required reply in the form of replacement drawings were submitted with the petition herein, the petition lacks item (4) above. Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer (Form PTO/SB/63) 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.

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 Internet: EFS-Web[1]

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

[1] 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

Commissioner for Patents
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LAW OFFICES OF CHARLES L. THOEMING
BIELEN, LAMPE & THOEMING, P.A.
TWO CORPORATE CENTRE 1390 WILLOW PASS ROAD
SUITE 1020
CONCORD, CA 94520

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of :
Andrew H. McGrath :
Application No. 29/355,883 : ON PETITION
Filed: February 16, 2010 :
Attorney Docket No. 11110D :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected formal drawings in a timely manner in response to the Notice of Allowability, mailed October 20, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 21, 2011. A Notice of Abandonment was mailed February 4, 2011.

The present 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) an adequate 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 replacement drawings in a timely manner in response to the Notice of Allowability is accepted as being unintentionally delayed.

The terminal disclaimer filed March 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.

Telephone inquiries concerning this decision should be directed to 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

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Alexandria, VA 22313-1450
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MCGUIREWOODS, LLP
1750 TYSONS BLVD.
SUITE 1800
MCLEAN, VA 22102

MAILED
JAN 10 2011
OFFICE OF PETITIONS

In re Application of
Komin Yamada
Application No. 29/355,891
Filed: February 16, 2010
Attorney Docket No. 2052986-8552DES

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(3) (CPA)

This is a decision on the petition filed January 6, 2011, which is being treated as a petition under 37 CFR 1.313(c)(3), 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 December 21, 2010 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 January 6, 2011.

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

This matter is being referred to Technology Center AU 2915 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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JUL 08 2011

OFFICE OF PETITIONS

AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580
Mountlake Terrace WA 98043

In re Application of	:	
Thomas	:	
Application No. 29/355,991	:	
In re Patent No. D636,839	:	DECISION ON PETITION
Filing Date: February 18, 2010	:	PURSUANT TO 37 C.F.R.
Issue Date: April 26, 2011	:	§ 3.81(B)
Attorney Docket Number: 911RO-000800US	:	
Title: FISHING ROD GUIDE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b), filed May 13, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The petition is **GRANTED** to the extent that a Certificate of Correction will be issued, correcting the Assignee information to "Dee Thomas Fishing LLC, Palo Alto, CA (US)."

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner has requested that the name of the Assignee should be changed from "Black Dog Bait Co., Danville, CA (US)" to "DEE THOMAS FISHING LLC of PALO ALTO, CALIFORNIA, USA."

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

> (b) 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.

Petitioner has set forth that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent, and Office records confirm that an assignment was received in the Office on June 18, 2010, listing Dee Thomas Fishing LLC of Palo Alto, California as the Assignee.

Payment of the required $100 certificate of correction fee and the $130 processing fee is acknowledged.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued, correcting the Assignee information to "Dee Thomas Fishing LLC, Palo Alto, CA (US)."

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 756-1814.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of	:	
Yehezkel ALBAG	:	DECISION GRANTING PETITION
Application No. 29/355,998	:	UNDER 37 CFR 1.137(b)
Filed: February 18, 2010	:	
Atty. Docket No.: D-0866-US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 9, 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 Fees Due mailed October 5, 2010 (Notice), which set a statutory period for reply of three (3) months. The application thus became abandoned on January 6, 2011. A Notice of Abandonment was mailed January 20, 2011.

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 replacement drawings as required by the Notice, (2) a petition fee of $810 (small entity), (3) a statement of unintentional delay, and (4) 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.

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.

David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/23/10 Paper No.: _____

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/355,999 Patent No.: D626,051

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

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.

_____

_____

_____

SPE Caron D Veynar ART UNIT 2913

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

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 2011

OFFICE OF PETITIONS

THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH PA 15222

In re Patent No. D635780 :
Issued: April 12, 2011 :
Application No. 29/356,004 : ON PETITION
Filed: February 18, 2010 :
Attorney Docket No. 0388-100406 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed February 3, 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.**

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Paul M. Reznick
436 Seventh Avenue
700 Koppers Building
Pittsburgh, PA 15219

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

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AUG 15 2011
OFFICE OF PETITIONS

THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH PA 15222

In re Application of :
Sawamura :
Application No. 29/356,012 :
Patent No.: D635,781 : DECISION ON PETITION
Filed: February 28, 2010 : PURSUANT TO
Issued: April 12, 2011 : 37 C.F.R. § 1.28(c)
Attorney Docket No.: 0388-100407 :
Title: LACE FABRIC :

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 3, 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 $295.00 has been charged to Deposit Account No. 23-0650.

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).

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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FARRIS LAW, P.C.
5291 COLONY DRIVE NORTH
SAGINAW, MI 48638

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of :
Cindy K. Bosco :
Application No. 29/356,171 : ON PETITION
Filed: February 20, 2010 :
Attorney Docket No.: NONE :

This is a decision on the petition, filed September 22, 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 July 9, 2010. A Notice of Abandonment was mailed on October 22, 2010. On September 22, 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 September 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 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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MAILED
OCT 24 2011
OFFICE OF PETITIONS

HARSHAW RESEARCH INC.
210 W. TECUMSEH STREET
OTTAWA KS 66067

In re Application of :
James R. Conwell :
Application No. 29/356,228 : DECISION ON PETITION
Filed: February 22, 2010 :
Attorney Docket No. 86070 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 23, 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 the $430.00 issue fee and 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 failure to timely pay the issue fee and submit corrected drawings as required by the Notice of Allowance/Notice of Allowability mailed May 11, 2011 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

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

GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER CO 80202

In re Application of
WRIGHT, DOUGLAS E. :
Application No.: 29/356,231 : DECISION ON
Filing or 371(c) Date: February 22, 2010 : PETITION
Attorney Docket Number: 122853.011000 :

AUG 19 2010

This is a decision in response to the "Notice to Withdraw Holding of Abandonment," filed August 3, 2010.

This petition is **DISMISSED**.

Any further petition 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 [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed April 13, 2010. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on July 30, 2010.

The Notice of Allowability

A review of the Notice of Allowability reveals that the Notice clearly required drawings. The Notice states: "CORRECTED DRAWINGS must be submitted."

The statute, 35 U.S.C. § 133, Time for prosecuting application, states

> 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 Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

This section of the statute is further clarified in Office rule, 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

This section explains that the reply must be both complete and proper as the condition of the application may require.

Here, Applicant filed a reply on April 28, 2010, to with – the issue fee; however, corrected drawings were also required. Applicant failed to timely file corrected drawings. The application was properly abandoned.

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

By mail: Director for Patents
PO 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 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

9/23/2010

GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER CO 80202

In re Application of :
Douglas E. Wright : **DECISION ON PETITION**
Application No. 29356231 :
Filed: 02/22/2010 :
Attorney Docket No. **122853.011000** :

This is a decision on the Renewed Petition to Withdraw Holding of Abandonment under 37 C.F.R 1.81, received in the United States Patent and Trademark Office (USPTO) August 25, 2010.

The petition is **DISMISSED**.

The application was held abandoned for failure to timely submit corrected drawings required by the Notice of Allowability, mailed April 13, 2010 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on July 20, 2010.

Petitioner previously filed a Petition to Withdraw Holding of Abandonment on August 19, 2010. The petition was dismissed on August 25, 2010. Petitioner is requesting reconsideration of this decision.

Petitioner states that the application went abandoned because the Office failed to recognize that the drawings submitted (and received) on April 9, 2010 satisfied the requirement made in the Notice of Allowability mailed four days later on April 13, 2010. However the application did not go abandoned for this reason but went abandoned because drawings were not submitted *after* the requirement for drawings was made on April 13, 2010. Petitioner states that it is apparent that perhaps the Notice of Allowability and the Preliminary Amendment must have "crossed in the mail". This assumption can not be made. The record shows a receipt of the drawings filed via the Electronic Filing System prior to allowance. It is unknown whether the examiner reviewed these drawings. It is however clear that the examiner made a requirement for drawings after these drawings would have become a part of the official application.

Therefore, the prior decision to dismiss the petition is upheld as applicant was obligated to respond whether or not he believed the requirement was improper. Petitioner has not shown that any attempt was made to address the requirement in any way prior to the due date.

In view of the foregoing, the holding of abandonment for failure to timely submit corrected drawings can not be withdrawn and the application remains in an abandoned status.

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 inquires with respect to filing a petition under 37 CFR § 1.137 may 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 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

GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER CO 80202

MAILED

DEC 09 2010

OFFICE OF PETITIONS

In re Application of :
Douglas E. Wright :
Application No. 29/356,231 : DECISION ON PETITION
Filed: February 22, 2010 :
Attorney Docket No. 122853.011000 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 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 July 13, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 13, 2010. Accordingly, the date of abandonment of this application is July 14, 2010. A Notice of Abandonment was mailed July 30, 2010.

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 and required $70.00 fee.

Further, 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.

Additionally, petitioner has submitted an extension of time fee of $555.00. This fee is unnecessary and will be refunded to petitioner's deposit account in due course.

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 with the instant petition.

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

GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER CO 80202

In re Application of
WRIGHT, DOUGLAS E. :
Application No. 29/356,235 :
Filed: February 22, 2010 :
Attorney Docket No.: 122853.011100 :

SEP 29 2010

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 August 3, 2010.

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 April 13, 2010. 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 July 30, 2010.

Petitioner states that U.S. Patent and Trademark Office mistakenly required corrected drawings on the Notice of Allowability. The drawings filed on April 9, 2010 appear to correct these problems. After consultation with the Examiner, the Office agrees that the drawing requirement was made in error.

The drawings filed on April 9, 2010 are acceptable and no further corrections are required.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 24, 2010

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29356378 Patent No.: D624597

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 – 9D40-C
Palm Location 7580

Certificates of Correction Branch

703-756-1573

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: _____

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
www.uspto.gov

JERRY HAYNES LAW
2 N OAKDALE AVENUE
MEDFORD OR 97501

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of :
Robert G. Bolf :
Application No. 29/356,384 :
Filed: February 24, 2010 :
Attorney Docket No. **1007.02** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 5, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Power of Attorney filed February 24, 2010.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/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

MAILED
MAY 20 2011
OFFICE OF PETITIONS

LONDA, BRUCE S.
NORRIS MCLAUGHLIN & MARCUS, PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

In re Application of	:	
Christine MAILET	:	DECISION GRANTING PETITION
Application No. 29/356,508	:	UNDER 37 CFR 1.137(b)
Filed: February 26, 2010	:	
Atty. Docket No.: 101293-424	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 5, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The application went abandoned for failure to file a reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed December 2, 2010, which set a statutory period of reply of three (3) months. The application became abandoned on March 3, 2011. A Notice of Abandonment was mailed March 18, 2011.

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 in accordance with the Notice of Allowance and Fee(s) Due, and replacement drawings, (2) a petition fee of $810, (3) a statement of unintentional delay, and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The Terminal Disclaimer filed on May 5, 2011 has been accepted.

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.

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
MAY 09 2011
OFFICE OF PETITIONS

TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

In re Application of :
David Llewellyn et al. :
Application No. 29/356,713 : ON PETITION
Filed: March 2, 2010 :
Attorney Docket No. **MIZ130DES** :

This is a decision on the petition under 37 CFR 1.137(b), filed on April 19, 2011, to revive the above-identified application.

The above-identified application became abandoned for failure to timely pay the issue fee on or before April 13, 2011, as required by the Notice of Allowability mailed January 13, 2011. Accordingly, this application became abandoned on April 14, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(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 April 19, 2011. However, the Terminal Disclaimer is unacceptable and will not be entered because the U.S. Patent and Trademark Office assignment records disclose that an assignment from Reel/Frame: 024084/0254 recorded on March 16, 2010, shows the name as "Mizuno USA" not "Mizuno USA, Inc.". Accordingly, since the assignment does not show the assignee as "Mizuno USA, Inc." the Terminal Disclaimer is deemed to be improper. Therefore, the petition can not be granted at this time.

The petition is hereby **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.

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) 272-4584.

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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MAY 23 2011

OFFICE OF PETITIONS

TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216

In re Application of :
David Llewellyn et al. :
Application No. 29/356,713 : ON PETITION
Filed: March 2, 2010 :
Attorney Docket No. **MIZ130DES** :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on May 13, 2011, to revive the above-identified application.

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 $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). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

The petition is hereby **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 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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TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA, GA 30308-2216

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of :
David Llewellyn et al : DECISION GRANTING PETITION
Application No. 29/356,713 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: March 2, 2010 :
Attorney Docket No. MIZ130DES :

This is a decision on the petition filed June 22, 2011, under 37 CFR 1.313(c)(3), 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 April 19, 2011 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 June 22, 2011.

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

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
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

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai et al. :
Application No. 29/356,798 : DECISION ON PETITION
Filed: March 2, 2010 :
Attorney Docket No. **US29997** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before December 16, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 16, 2010, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is December 17, 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 $990, (2) the petition fee of $1,860; 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.

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
www.uspto.gov

MEYER UNKOVIC & SCOTT LLP
535 Smithfield Street
Suite 1300
Pittsburgh PA 15222-2315

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of :
Thomas P. Davis :
Application No. 29/356,929 : DECISION ON PETITION
Filed: March 4, 2010 :
Attorney Docket No. 278939.120 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 27, 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 March 29, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 30, 2011. A Notice of Abandonment was mailed on July 20, 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 $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).

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
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MEYER UNKOVIC & SCOTT LLP
535 Smithfield Street
Suite 1300
Pittsburgh PA 15222-2315

MAILED
SEP 06 2011
OFFICE OF PETITIONS

In re Application of :
Thomas P. Davis :
Application No. 29/356,929 : DECISION ON PETITION
Filed: March 4, 2010 :
Attorney Docket No. 278939.120 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 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 March 29, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 30, 2011. A Notice of Abandonment was mailed on July 20, 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) the terminal disclaimer is not acceptable. The form must be signed by an attorney/agent of record. Our records indicate that attorneys/agents associated with customer number 41561 have been acting in a representative manner and that a power of attorney was never filed and accepted in this application. The petition can not be granted at this time.

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
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MEYER UNKOVIC & SCOTT LLP
535 Smithfield Street
Suite 1300
Pittsburgh PA 15222-2315

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of :
Thomas P. Davis et al. :
Application No. 29/356,929 : DECISION ON PETITION
Filed: March 4, 2010 :
Attorney Docket No. 278939.120 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 15, 2011, 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 March 29, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 30, 2011. A Notice of Abandonment was mailed on July 20, 2011.

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). Accordingly, the corrected 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 A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/356,929	03/04/2010	Thomas P. Davis	278939.120

CONFIRMATION NO. 3026

42161
MEYER UNKOVIC & SCOTT LLP
535 Smithfield Street
Suite 1300
Pittsburgh, PA 15222-2315

POA ACCEPTANCE LETTER

OC000000049945923

Date Mailed: 09/22/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2011.

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.

/sleutchit/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JAN 11 2012
OFFICE OF PETITIONS

WYATT, TARRANT & COMBS, LLP
1715 AARON BRENNER DRIVE
SUITE 800
MEMPHIS, TN 38120-4367

In re Application of
Daniel T. Shook
Application No. 29/356,935
Filed: March 4, 2010
Attorney Docket No.: 601411.1N

ON PETITION

This is a decision in response to the petition, filed November 22, 2011, to revive the above-identified design application under 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for a failure to timely pay the issue fee on or before November 8, 2011, as required by the Notice of Allowance and Fee(s) Due mailed August 8, 2011. A Notice of Abandonment was subsequently mailed on November 30, 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 issue fee of $495, (2) the petition fee of $930, (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 November 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

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Commissioner for Patents
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SEP 2 9 2010

OFFICE OF PETITIONS

K&L GATES LLP
P.O. BOX 1135
CHICAGO IL 60690

In re Application of.	:	
Langan et al.	:	
Application No. 29/356,944	:	NOTICE
Filed: March 4, 2010	:	
Attorney Docket No. 3717466-00026	:	

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 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) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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K&L GATES LLP
P.O. BOX 1135
CHICAGO IL 60690

In re Application of.	:	
Langan et al.	:	
Application No. 29/356,945	:	NOTICE
Filed: March 4, 2010	:	
Attorney Docket No. 3717466-00025	:	

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 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) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

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K&L GATES LLP
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CHICAGO IL 60690

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OCT 07 2010

OFFICE OF PETITIONS

In re Application:	:	
Langan et al.	:	
Application No. 29/356,946	:	ON PETITION
Filed: March 4, 2010	:	
Attorney Docket No. 3717466-00027	:	

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.

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

MAILED
OCT 03 2011
OFFICE OF PETITIONS

In re Application of :
Nobuo Takami : DECISION ON PETITION
Application No. 29/357,016 :
Deposited: March 5, 2010 :
Atty Docket No.C8391.0117/P117:

This is in response to the petition filed December 21, 2010, requesting on petition under 37 CFR 1.181 that the holding of abandonment in the above-identified application be withdrawn and the Request for Continued Examination filed on November 9, 2010 be granted. This petition is properly treated under 37 CFR 1.182, requesting that the design continuing prosecution application papers filed November 9, 2010 be moved from application No. 29/378,727 to the present application, and that prosecution continue in the present application accordingly. Receipt of the status inquiry filed August 22, 2011 is acknowledged.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.181 is **GRANTED**.

On August 9, 2010, the Office mailed a Notice of Allowance and Fee(s) Due in the above-identified application. This Office action set a three-month nonextendable statutory period for reply. No reply considered filed, a courtesy Notice of Abandonment was mailed on December 1, 2010. In response, applicants promptly filed the instant petition, requesting withdrawal of the holding of abandonment based on the timely filing of a design continued prosecution application (and information disclosure statement) on November 9, 2010.

A review of the record reveals that applicants timely filed a design continued prosecution application request (and an information disclosure statement) on November 9, 2010. However, the electronic acknowledgment receipt shows that the request was in error filed as a new design application[1]. Correction of such a filing error requires the filing of a petition under 37 CFR 1.182 (and petition fee) to move the papers. Such a petition having been filed, it is concluded that movement of the design CPA (and information disclosure statement) to the subject nonprovisional application is appropriate.

As a result of this decision, Application No. 29/378,727 will no longer be treated as a nonprovisional application, and will no longer be considered an active application number.

Receipt of the petition fee for consideration under 37 CFR 1.182 is acknowledged.

Given that the design CPA is now present in the application with a filing date of November 9, 2010, the withdrawal of the holding of abandonment is warranted.

No fee is required on petition under 37 CFR 1.181.

The application is being referred to Technology Center 2913 for withdrawal of the holding of abandonment and processing of the design CPA filed November 9, 2010.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

[1] The design CPA should have been filed in the present application as a follow-on paper.

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Paper No.

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

MAILED
OCT 03 2011
OFFICE OF PETITIONS

In re Application of :
Kikuchi et al. : DECISION ON PETITION
Application No. 29/357,017 :
Deposited: March 5, 2010 :
Atty Docket No.C8391.0118/P118:

This is in response to the petition filed December 21, 2010, requesting on petition under 37 CFR 1.181 that the holding of abandonment in the above-identified application be withdrawn and the Request for Continued Examination filed on November 9, 2010 be granted. This petition is properly treated under 37 CFR 1.182, requesting that the design continuing prosecution application papers filed October 29, 2010 be moved from application No. 29/378,082 to the present application, and that prosecution continue in the present application accordingly.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.181 is **GRANTED**.

On August 9, 2010, the Office mailed a Notice of Allowance and Fee(s) Due in the above-identified application. This Office action set a three-month nonextendable statutory period for reply. No reply considered filed, a courtesy Notice of Abandonment was mailed on December 1, 2010. In response, applicants promptly filed the instant petition, requesting withdrawal of the holding of abandonment based on the timely filing of a design continued prosecution application (and information disclosure statement) on October 29, 2010.

A review of the record reveals that applicants timely filed a design continued prosecution application request (and an information disclosure statement) on October 29, 2010. However, the electronic acknowledgment receipt shows that the request was in error filed as a new design application[1]. Correction of such a filing error requires the filing of a petition under 37 CFR 1.182 (and petition fee) to move the papers. Such a petition having been filed, it is concluded that movement of the design CPA (and information disclosure statement) to the subject nonprovisional application is appropriate.

As a result of this decision, Application No. 29/378,082 will no longer be treated as a nonprovisional application, and will no longer be considered an active application number.

Receipt of the petition fee for consideration under 37 CFR 1.182 is acknowledged.

Given that the design CPA is now present in the application with a filing date of October 29, 2010, the withdrawal of the holding of abandonment is warranted.

No fee is required on petition under 37 CFR 1.181.

The application is being referred to Technology Center 2913 for withdrawal of the holding of abandonment and processing of the design CPA filed October 29, 2010.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

[1] The design CPA should have been filed in the present application as a follow-on paper.

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K&L Gates LLP
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SEP 28 2010

OFFICE OF PETITIONS

In re Application of :
Amy Elizabeth LANGAN et al. :
Application No. 29/357,056 : NOTICE UNDER 37 CFR. 1.28(c)
Patent No. D621879 :
Filed: March 05, 2010 :
Attorney Docket No. **3717466-00029**

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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

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SEP 28 2010

OFFICE OF PETITIONS

In re Application of :
Amy Elizabeth LANGAN et al. :
Application No. 29/357,060 : NOTICE UNDER 37 CFR. 1.28(c)
Patent No. D621880 :
Filed: March 05, 2010 :
Attorney Docket No. 3717466-00030

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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

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P.O. BOX 1135
CHICAGO, IL 60690

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SEP 14 2010

OFFICE OF PETITIONS

In re Application of :
Amy Elizabeth Langan, et al. :
Application No. 29/357,063 :
Filed: March 5, 2010 :
Attorney Docket No. 3717466-00031 :

NOTICE

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 the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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K&L GATES LLP
P.O. BOX 1135
CHICAGO IL 60690

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OCT 13 2010

OFFICE OF PETITIONS

In re application of :
Amy Elizabeth Langan et al :
Application No. 29/357,069 : NOTICE
Filed: March 5, 2010 :
Attorney Docket No. 3717466-00032 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on August 2, 2010.

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 application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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MAILED
OCT 27 2011
OFFICE OF PETITIONS

KAREN ADINOLFI
APT C
9113 RIGGS LANE
OVERLAND PARK KS 66212

In re Application of :
Karen Adinolfi :
Application No. 29/357,074 : ON PETITION
Filed: March 5, 2010 :
Title: Angel Pillow Doll :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 14, 2011.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned due to failure to timely file a reply to the **non-final** Office action, mailed September 15, 2010. This Office action set a shortened statutory period for reply of three (3) months. Applicant filed a reply on December 10, 2010. However, the Office mailed a Notice of Abandonment on April 27, 2011. The Notice indicated that the December 10, 2010 reply did not constitute a proper reply to the **final** Office action.

It is obvious from reviewing the file that the Notice of Abandonment was mailed in error. The September 15, 2010 Office action was **not** a final Office action. In addition, Applicant timely filed a proper, *bona-fide* reply on December 10, 2010.

In view of the above, the holding of abandonment is **WITHDRAWN**.

The application is being forwarded to Group Art Unit 2913 for consideration of the reply, timely filed on December 10, 2010.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. BOX 1450
Alexandria, Va 22313- 1450
www.uspto.gov.

29/357136

DATE: March 1, 2012
Patent No: D633225
Applicant: WANG et al
Issued: February 22, 2011

Request for consideration of Certificate of Correction:

Consideration has been given for your request for the certificate of correction for the above-identified patent under the provisions of Rules 1.322/1.323.

Respecting the alleged error(s) in the title, item (54) is printed in accordance with the record. The examiner states the title will be inconsistent with the claim of the granted patent. Title must be consistent throughout the patent. Therefore, no correction(s) are in order here under United States Codes (U.S.C.) 254 Code of Federal Regulation (C.F.R.) 1.322/1.323.

In view of the foregoing, your request is hereby denied.

RoChaun Johnson for
Mary Diggs, Supervisor
Decisions and Certificates of Correction
(571) 272-0470

ALTIS LAW GROUP INC
ATTN: STEVEN M. REISS
288 S. MAYO AVE.
CITY OF INDUSTRY, CA 91789
RMH

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/28/10 Paper No.: ———

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/357,162 Patent No.: D618,754 S

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

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 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
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ZAGORIN O'BRIEN GRAHAM LLP
7600B NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN TX 78731

MAILED

JAN 24 2011

OFFICE OF PETITIONS

In re Application of :
Fred B. Johnson, Jr. :
Application No. 29/357,196 : ON PETITION
Filed: March 9, 2010 :
Attorney Docket: 163-0001

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed January 7, 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 September 13, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 14, 2010. The Notice of Abandonment was mailed December 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) (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 Williams at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

Enclosed: Terminal Disclaimer to Accompany Petition (PTO/SB/63)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ZAGORIN O'BRIEN GRAHAM LLP
7600B NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN TX 78731

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of :
Fred B. Johnson, Jr. :
Application No. 29/357,196 : ON PETITION
Filed: March 9, 2010 :
Attorney Docket No. 163-0001 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 27, 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 submit formal drawings on or before December 13, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 13, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 14, 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).

The terminal disclaimer filed herewith petition cannot be accepted because it was not 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 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) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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ZAGORIN O'BRIEN GRAHAM LLP
7600B NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN TX 78731

MAILED
MAR 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Fred B. Johnson, Jr.	:	
Application No. 29/357,196	:	ON PETITION
Filed: March 9, 2010	:	
Attorney Docket No. 163-0001	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 16, 2011, to revive the above-identified design 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 September 13, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 14, 2010. The Notice of Abandonment was mailed December 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) 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 is accepted and has been made of record.

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 processing into a patent.

/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

QUICKPATENTS, INC.
32861 CALLE PERFECTO
SUITE A
SAN JUAN CAPISTRANO CA 92675

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of
Johnny Howard
Application No. 29/357,420
Filed: March 11, 2010
Attorney Docket No. 7607503

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 April 7, 2010, to make the above-identified application special based on applicant's health as set forth in MPEP § 708.02, Section III.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The doctor's certificate or other medical certificate included with the instant petition fails to substantiate the state of health that will cause the applicant not to be able to be available to assist in the prosecution of the application if it ran in its normal course. The evidence that was submitted with the petition appears to be a commentary on the test results that were administered upon the applicant. Therefore, the petition can not be granted at this time.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this

type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

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 FAX: (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 2917 for action in its regular turn.

Ramesh Krishnamurthy
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

CONVERGENT LAW GROUP LLP
P.O. BOX 1329
MOUNTAIN VIEW CA 94042

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Hsin-Hang Tsou	:	
Application No. 29/357,429	:	DECISION ON PETITION
Filed: March11, 2010	:	
Attorney Docket No. CRGL001DP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 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.

This application became abandoned for failure to timely pay the issue fee on or before December 9, 2010, as required by the Notice of Allowance and Fee(s) Due mailed September 9, 2010. Accordingly, the date of abandonment of this application is December 10, 2010. A Notice of Abandonment was mailed March 16, 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(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 (1) of the above items.

With regards to item (1), petitioner has failed to pay the issue fee of $430.00. Petitioner has instead filed a Continued Prosecution Application (CPA) Request in response to the Notice of Allowance.

35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned for failure to pay the issue fee. Therefore, the filing of a CPA request without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned for failure to pay the issue fee or any portion thereof.

Petitioner is advised that, once submitted, the issue fee cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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.

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

cc: Stephen G. Sullivan
475 N. Whisman Rd., Suite 400
Mountain View, CA 94043

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CONVERGENT LAW GROUP LLP
P.O. BOX 1329
MOUNTAIN VIEW CA 94042

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of :
Hsin-Hang Tsou :
Application No. 29/357,429 : DECISION ON PETITION
Filed: March 11, 2010 :
Attorney Docket No. CRGL001DP :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 16, 2011, 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 December 9, 2010, as required by the Notice of Allowance and Fee(s) Due mailed September 9, 2010. Accordingly, the date of abandonment of this application is December 10, 2010. A Notice of Abandonment was mailed March 16, 2011.

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 $430.00, (2) the petition fee of $810.00 (previously submitted March 17, 2011); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $70.00 (previously submitted March 17, 2011).

The terminal disclaimer is accepted and has been made of record.

Petitioner has submitted unnecessary duplicate fees. The additional $810.00 petition fee and $70.00 Terminal Disclaimer fee will be refunded to petitioner's credit card in due course.

Petitioner has filed a Continued Prosecution Application (CPA) Request in response to the Notice of Allowance.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2911 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Stephen G. Sullivan
475 N. Whisman Rd., Suite 400
Mountain View, CA 94043

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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MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN, VA 22102

MAILED
JAN 05 2011
OFFICE OF PETITIONS

In re Application of :
Emily Carlson, et al. :
Application No. 29/357,495 : ON PETITION
Filed: March 12, 2010 :
Attorney Docket No.: 2052986-8579DES :

This is a decision on the petition under 37 CFR 1.182, filed, November 11, 2010, to change the order of the named inventors in the above-identified application.

The petition is **DISMISSED**.

A grantable petition to change the order of the named inventors must (1) be filed prior to payment of the issue fee, (2) include the requisite petition fee, and (3) be signed by either the attorney or agent of record or all the applicants. Applicants are also encouraged to submit an application data sheet showing the new order of inventor names to ensure appropriate printing of the inventor names in any patent to issue.

The petition does not comply with item 2 above, the $400 petition fee. Accordingly, the petition cannot be granted at this time.

It is also noted that petitioner submitted a Supplemental Application Data Sheet which is not signed in accordance with 37 CFR 1.33 and 10.18. See also 37 CFR 1.4(d) for the form of the signature.

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[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN, VA 22102

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of :
Emily Carlson, et al. :
Application No. 29/357,495 : ON PETITION
Filed: March 12, 2010 :
Attorney Docket No.: 2052986-8579DES :

This is a decision on the renewed petition, filed February 3, 2011, to change the order of the names of the inventors under the provisions of 37 CFR 1.182. The $400 petition fee has been paid.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

Petitioner should note that the Supplemental Application Data Sheet (ADS) submitted on February 3, 2011 is not acceptable, in that it is not signed in accordance with 37 CFR 1.33 and 10.18. Consequently, a properly executed ADS that lists the new order of inventors should be filed before payment of the issue fee to ensure appropriate printing of the inventor names.

The application is being referred to the Office of Data Management to await a response to the Notice of Allowance mailed January 12, 2011.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing the Office of Data Management at should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment

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
29/357,495	03/12/2010	2917	590	2052986-8579DES	1	1

CONFIRMATION NO. 4494

23345
MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN, VA 22102

CORRECTED FILING RECEIPT

OC000000046310572

Date Mailed: 03/03/2011

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)

Emily Carlson, Woodridge, IL;
Jeffrey Chiu, Woodridge, IL;
Traci Chapple, Woodridge, IL;
Mason Umholtz, Woodridge, IL;
David Starr, Woodridge, IL;
Yvonne Hau Yee Chow, Tusen Wan, HONG KONG;

Power of Attorney: The patent practitioners associated with Customer Number 23345

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.)

If Required, Foreign Filing License Granted: 03/19/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/357,495**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

STRAW

Preliminary Class

D07

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

MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN VA 22102

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of :
Jeffrey Chiu et al. :
Application No. 29/357,500 : ON PETITION
Filed: March 12, 2010 :
Attorney Docket No. 2052986-8578DES :

This is a decision on the petition under 37 CFR 1.182, filed November 9, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Emily Carlson
2. Jeffrey Chiu
3. Traci Chapple
4. Mason Umholtz
5. David Starr
6. Karen Swinford
7. Yvonne Hau Yee Chow

A petition under 37 CFR 1.182 requires a fee of $400. This fee will be charged to deposit account no. 23-1951 as authorized.

Our records have been updated and a corrected Filing Receipt, which sets forth the changes as requested. A copy will be attached to this decision.

This application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
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 NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
29/357,500	03/12/2010	2915	590	2052986-8578DES	1	1

CONFIRMATION NO. 4568

CORRECTED FILING RECEIPT

23345
MCGUIREWOODS, LLP
1750 TYSONS BLVD
SUITE 1800
MCLEAN, VA 22102

Date Mailed: 12/06/2010

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)

Emily Carlson, Woodridge, IL;
Jeffrey Chiu, Woodridge, IL;
Traci Chapple, Woodridge, IL;
Mason Umholtz, Woodridge, IL;
David Starr, Woodridge, IL;
Karen Swinford, Woodridge, IL;
Yvonne Hau Yee Chow, Tusen Wan, HONG KONG;

Power of Attorney: The patent practitioners associated with Customer Number 23345

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/161,967 03/20/2009

Foreign Applications

If Required, Foreign Filing License Granted: 03/19/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/357,500**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

CUP

Preliminary Class

D07

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE WI 53403-2236

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Schultz et al.	:	
Application No. 29/357,501	:	DECISION GRANTING STATUS
Filed: March 12, 2010	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. J-5284D	:	

This is in response to the petition under 37 CFR 1.47(a), filed October 7, 2010.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventor, Mark D. Duennes, has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2916 for examination on the merits.

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
www.uspto.gov

MARK D. DUENNES
1502 CANBURY COURT, APT. #D2
WHEELING, IL 60090

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Schultz et al. :
Application No. 29/357,501 : ON PETITION
Filed: March 12, 2010 :
Attorney Docket No. J-5284D :

Mr. Duennes,

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

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
www.uspto.gov

MARK D. DUENNES
1502 CANBURY COURT, APT. #D2
WHEELING, IL 60090

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Schultz et al. :
Application No. 29/357,501 : ON PETITION
Filed: March 12, 2010 :
Attorney Docket No. J-5284D :

Mr. Duennes,

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/s/
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
www.uspto.gov

Albrecht Tousi & Farnum PLLC
8200 Greensboro Drive
Suite 900
McLean VA 22102

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Jung S. Moon, et al.	:	
Application No. 29/357,546	:	DECISION ON PETITION
Filed: March 12, 2010	:	
Attorney Docket No. 0009-00012	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 23, 2010. 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 May 24, 2010. The Notice of Abandonment was mailed December 10, 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 $110 basic filing fee, the $65 surcharge, the $50 search fee and the $70 examination 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). .

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,175 extension of time fee submitted with the petition on March 27, 2011 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing 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

Albrecht Tousi & Farnum PLLC
8200 Greensboro Drive
Suite 900
McLean VA 22102

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of :
Jung S. Moon, et al. :
Application No. 29/357,553 : DECISION ON PETITION
Filed: March 12, 2010 :
Attorney Docket No. 0009-00031 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 23, 2010. 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 May 24, 2010. The Notice of Abandonment was mailed December 9, 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 $110 basic filing fee, the $65 surcharge, the $50 search fee and the $70 examination 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).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,175 extension of time fee submitted with the petition on March 27, 2011 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing 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

DANIEL G. NGUYEN
6335 MERONA LANE
HOUSTON TX 77041

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of :
Nancy T. Nguyen :
Application No. 29/357,588 : DECISION ON PETITION
Filed: March 15, 2010 :
Attorney Docket No. 00000-001US :

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 **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before December 16, 2010, as required by the Notice of Allowance and Fee(s) Due mailed September 16, 2010. Accordingly, the date of abandonment of this application is December 17, 2010. A Notice of Abandonment was mailed December 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 payment of the issue fee of $430.00, (2) the petition fee of $810.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $70.00.

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, 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 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.

The request for a terminal disclaimer is accepted and has been made of record.

Additionally, petitioner has submitted an unnecessary $300.00 publication fee. This fee will be refunded to petitioner's credit card in due course.

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.

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

CARDINAL LAW GROUP, LLC
1603 ORRINGTON AVENUE, SUITE 2000
EVANSTON, IL 60201

MAILED

JUN 21 2011

OFFICE OF PETITIONS

In re Application of :
Gary W. LAWRENCE, et *al.* :
Application No. 29/357,641 : DECISION ON PETITION
Filed: March 15, 2010 : UNDER 37 CFR 1.137(c)
Attorney Docket No. **4700/126** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 21, 2011, 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 January 18, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 18, 2010. Accordingly, the date of abandonment of this application is 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 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.

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

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

CARDINAL LAW GROUP, LLC
1603 ORRINGTON AVENUE, SUITE 2000
EVANSTON, IL 60201

MAILED

JUL 2 0 2011

OFFICE OF PETITIONS

In re Application of :
Gary W. LAWRENCE, *et al.* :
Application No. 29/357,641 : DECISION ON PETITION
Filed: March 15, 2010 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **4700/126** :

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.137(b), filed April 21, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pa the issue fee and to submit corrected formal drawings on or before January 18, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 18, 2010. Accordingly, the date of abandonment of this application is 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 payment of the issue fee of $860, and corrected formal 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 terminal disclaimer is accepted and has 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

UNITED STATES 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 27 2011

OFFICE OF PETITIONS

CARDINAL LAW GROUP, LLC
SUITE 2000
1603 ORRINGTON AVENUE
EVANSTON, IL 60201

In re Application of
Gary W. Lawrence, et al.
Application No. 29/357,642
Filed: March 15, 2010
Attorney Docket No.: 4700/127

ON PETITION

This is a decision in response to the petition, filed April 18, 2011, to revive the above-identified design application under 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for a failure to timely pay the issue fee on or before January 18, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 18, 2010. A Notice of Abandonment was subsequently mailed on February 2, 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 issue fee of $860, (2) the petition fee of $1,620, (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 April 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 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
www.uspto.gov

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of :
Johnas Anthonino F. Gulker :
Application No. 29/357,675 : ON PETITION
Filed: March 16, 2010 :
Attorney Docket No. D5857US :

This is a decision on the petition under 37 CFR 1.137(b), filed February 4, 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 to File Missing Parts of Nonprovisional Application (Notice), mailed March 24, 2010. 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 May 25, 2010. The Notice of Abandonment was mailed December 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form a declaration and $130 surcharge; (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).

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for further processing.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120306

DATE : March 06, 2012

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction on Patent No.: D627078

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:

Approved. All changes apply.
Thank you!

/CELIA MURPHY/
Supervisory Patent Examiner, Art Unit 2914

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of	:	
John Zhao	:	
Application No. 29/357,729	:	DECISION ON PETITION
Filed: March 16, 2010	:	
Attorney Docket No. 117092-043	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 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 submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on April 30, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on July 31, 2010. A Notice of Abandonment was mailed on August 17, 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).

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).

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

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of	:	
John Zhao	:	
Application No. 29/357,729	:	DECISION ON PETITION
Filed: March 16, 2010	:	
Attorney Docket No. 117092-043	:	

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 submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on April 30, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on July 31, 2010. A Notice of Abandonment was mailed on August 17, 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, and (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 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 regarding this decision should be directed to the 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

MAILED

FEB 25 2011

OFFICE OF PETITIONS

HARNESS, DICKEY & PIERCE, PLC
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of
Travis Hendricks, et al.
Application No. 29/357,745
Filed: March 16, 2010
Attorney Docket No. 15543*000001/US

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 20, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit corrected formal drawings on or before December 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 24, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 25, 2010. A Notice of Abandonment was mailed on January 10, 2011.

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).

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.

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

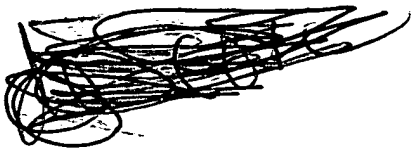
mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to 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 Office of Data Management for further processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN R. DAWSON
111 SW COLUMBIA SSTREET
SUITE 710
PORTLAND, OR 97201



SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4/4/11 **Paper No.:** ___

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/357,756 Patent No.: D633,x

CofC mailroom date: 4-14-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: check fig

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: _____

_____

_____

_____

_____

_____ 2915

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : June 9, 2011

TO SPE OF : ART UNIT 2915 SPE

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/357,756 Patent No.: D633,302 B2

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 Building
2800 South Randolph Street
Arlington, VA 22206

In the replacement sheets, consisting of FIGS. 1-7, which figure is to be used as illustrative figure on the title page of patent?

See COCIN dated 4-14-2011

Antonio Johnson

Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

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: Figs. 1 and 5 should appear on the title page.

SPE /Robert M. Spear/ Art Unit 2915

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE, SUITE 101
RESTON, VA 20191

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of :
Eiji SUGIYAMA :
Application No. 29/357,763 : NOTICE UNDER 37 CFR 1.28
Filed: March 17, 2010 :
Attorney Docket No. **104-010D** :

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 the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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DEC 20 2010

OFFICE OF PETITIONS

TECHLAW LLP-EPSTEIN
10755 SCRIPPS POWAY PARKWAY,
SUITE 465
SAN DIEGO CA 92131

In re Application of	:	
David BRODESS, et al	:	
Application No. 29/357,821	:	DECISION ON PETITION
Filed: March 17, 2010	:	TO WITHDRAW
Attorney Docket No. 90923D	:	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 23, 2010.

The request is **NOT APPROVED because it is moot.**

A review of the file record indicates that the power of attorney to Laurie A. Axford and the attorneys associated with Customer No. 20529, has been revoked by the assignee of the patent application on December 10, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/357,821	03/17/2010	David BRODESS	90923D

CONFIRMATION NO. 1890

20529
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

POWER OF ATTORNEY NOTICE

OC000000044983423

Date Mailed: 12/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/atesfai/

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
29/357,821	03/17/2010	David BRODESS	90923D

CONFIRMATION NO. 1890

11485
TechLaw LLP- Epstein
10755 Scripps Poway Parkway, Suite 465
San Diego, CA 92131

POA ACCEPTANCE LETTER

OC000000044983450

Date Mailed: 12/16/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2010.

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.

/atesfai/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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GRAY ROBINSON, P.A.
P.O. Box 2328
FT. LAUDERDALE, FL 33303-9998

MAILED
MAR 3 1 2011
OFFICE OF PETITIONS

In re Application of :
Christie Exton :
Application No. 29/357,873 : ON PETITION
Filed: March 18, 2010 :
Attorney Docket No.: 817570.7 :

This is a decision on the petition, filed February 11, 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 submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed October 6, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 6, 2011. A Notice of Abandonment was mailed on January 25, 2011. On February 11, 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)

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MAY 26 2011

OFFICE OF PETITIONS

GRAY ROBINSON, P.A.
P.O. Box 2328
FT. LAUDERDALE, FL 33303-9998

In re Application of
Christie Exton
Application No. 29/357,873
Filed: March 18, 2010
Attorney Docket No.: 817570.7

ON PETITION

This is a decision in response to the renewed petition, filed May 2, 2011, to revive the above-identified design 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 October 6, 2010. A Notice of Abandonment was mailed on January 25, 2011. On February 11, 2011, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed March 31, 2011. In response, on May 2, 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 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.

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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PATENT DEPARTMENT
LARKIN, HOFFMAN, DALY & LINDGREN, LTD.
1500 WELLS FARGO PLAZA
7900 XERXES AVENUE SOUTH
BLOOMINGTON, MN 55431

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of :
Scott Parizek, et al. :
Application No. 29/357,893 : ON PETITION
Filed: March 18, 2010 :
Attorney Docket No.: 22500.00016 :

This is a decision on the petition, filed January 9, 2012, 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.

This application became abandoned for failure to timely pay the issue fee on or before December 21, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability mailed September 21, 2011 . A Notice of Abandonment was mailed on January 9, 2012. On January 9, 2012, 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

[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.

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).

The petition lacks item (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 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 $160 ($80 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[3]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

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)

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LARKIN, HOFFMAN, DALY & LINDGREN, LTD.
1500 WELLS FARGO PLAZA
7900 XERXES AVENUE SOUTH
BLOOMINGTON, MN 55431

MAILED

MAR 16 2012

OFFICE OF PETITIONS

In re Application of
Scott Parizek, et al.
Application No. 29/357,893
Filed: March 18, 2010
Attorney Docket No. 22500.00016

ON PETITION

This is a decision in response to the renewed petition, filed February 15, 2012, 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 a failure to timely pay the issue fee on or before December 21, 2011. A petition under the provisions of 37 CFR 1.137(b) was filed on January 9, 2012; however, the petition was dismissed in a decision mailed February 9, 2012. On February 15, 2012, the present petition was filed.

The petition satisfy the requirements of 37 CFR 1.137(b) in that petitioners have supplied (1) the reply in the form of the $495 issue fee; (2) the petition fee of $930; and (4) a terminal disclaimer and the $80 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed February 15, 2012 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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ABOY & ASSOCIATES, PC
522 SW 5TH AVENUE
SUITE 1390
PORTLAND, OR 97204

MAILED
NOV 23 2011
OFFICE OF PETITIONS

In re Application of :
Joaquin Sabaris Vilas :
Application No. 29/357,912 : NOTICE
Filed: March 19, 2010 :
Attorney Docket No. P1053 :

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 the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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ZIES WIDERMAN & MALEK
1990 W. NEW HAVEN AVENUE, SUITE 201
MELBOURNE, FL 32904

MAILED

FEB 22 2012

OFFICE OF PETITIONS

In re Application of
Samuel C. Logan
Application No. 29/357,938
Filed: March 19, 2010
Attorney Docket No.: 20.4086

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2012, 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 December 12, 2011, as required by the Notice of Allowance and Fee(s) Due and Notice of Allowability, mailed September 12, 2011. Accordingly, the date of abandonment of this application is December 13, 2011. A Notice of Abandonment was mailed on December 27, 2011. On January 12, 2012, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $495 issue fee and replacement drawings, (2) the petition fee of $930, (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 12, 2012 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 oversee a review of the drawings and 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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MAR 11 2011

OFFICE OF PETITIONS

MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

In re Application of	:	
Ringus et al.	:	
Application No. 29/357,963	:	DECISION ON PETITION
Filed: March 19, 2010	:	
Attorney Docket No. 381.0004 0102	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 9, 2010, 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 October 6, 2010, as required by the Notice of Allowance and Fee(s) Due mailed July 6, 2010, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on October 7, 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 Allowability is accepted as being unintentionally delayed.

The terminal disclaimer filed November 9, 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 Technology Center AU 2914 for appropriate action in the normal course of business on the CPA filed November 9, 2010.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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JAN 04 2012
OFFICE OF PETITIONS

Paper No.

ABOY&ASSOCIATES PC
www.aboypatents.com
522 SW 5th Ave, Suite 1390
Portland OR 97204

In re Application of	:	
Vilas	:	
Application No. 29/357,967	:	DECISION ON PETITION
Filed: March 19, 2010	:	PURSUANT TO
Attorney Docket No.: P1063	:	37 C.F.R. § 1.28(c)
Title: PORTABLE MEDICAL	:	
EQUIPMENT FOR CLINICAL ANALYSIS	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 14, 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.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment of $300.00 will be charged to Deposit Account No. 50-4905 in due course, as authorized on the second page of this petition.

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.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 02 2010

OFFICE OF PETITIONS

In re Application of
Jin Sung Yi
Application No. 29/357,975
Filed: March 19, 2010
Attorney Docket No. 85816(51529)

: DECISION ON PETITION

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 **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before October 12, 2010, as required by the Notice of Allowance and Fee(s) Due mailed July 9, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form the 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 of $140 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.

The terminal disclaimer filed October 14, 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

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United States Patent and Trademark Office
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ABOY&ASSOCIATES PC
WWW.ABOYPATENTS.COM
522 SW 5TH AVE, SUITE 1390
PORTLAND OR 97204

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of :
Greenberg, et al. :
Application No. 29/358,005 : DECISION
Filed/Deposited: 21 March, 2010 :
Attorney Docket No. P1061 :

This is a decision on the papers filed on 13 July, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

NOTE:

The electronic signature on the terminal disclaimer is not consistent with that on the petition, though both papers suggest they are executed by the same person.

The petition pursuant to 37 C.F.R. §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 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(b)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

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

Petitioner does not appear to have satisfied the requirements under the Rule.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 3 February, 2011, with reply due under a non-extendable deadline on or before 3 May, 2011.

The application went abandoned by operation of law after midnight 3 May, 2011.

Petitioner submitted the fees without a certificate of mail/transmission on 5 May, 2011.

The Office mailed the Notice of Abandonment on 23 May, 2011.

On 13 July, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, and a statement of unintentional delay, reply in the form of fees due and a terminal disclaimer and fee—however, the record reveals also: that the electronic signature on the terminal disclaimer is different from that on the petition, despite the indication that both papers are executed by the same person. Thus, either the petition is not properly signed or the terminal disclaimer is not properly signed, and in any case the petition lacks a properly signed petition or a properly signed terminal disclaimer. On any renewed petition, Petitioner must re-submit both papers executed in the same manner.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

Petitioner has failed to satisfy the requirements under the Rule and discussed above.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

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).[2] 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.[3]))

Again, Petitioner's attentions are directed to the guidance in the Commentary at MPEP §711.03(c).

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

Petitioner failed to satisfy the requirements under the Rule.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **dismissed**.

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 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.

[3] 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.

Application No. 29/358,005

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[4]) 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

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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PORTLAND OR 97204

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NOV 21 2011

OFFICE OF PETITIONS

In re Application of :
Greenberg, et al. :
Application No. 29/358,005 : DECISION
Filed/Deposited: 21 March, 2010 :
Attorney Docket No. P1061 :

This is a decision on the papers filed on 7 September, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

The petition pursuant to 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

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 3 February, 2011, with reply due under a non-extendable deadline on or before 3 May, 2011.

The application went abandoned by operation of law after midnight 3 May, 2011.

Petitioner submitted the fees without a certificate of mail/transmission on 5 May, 2011.

The Office mailed the Notice of Abandonment on 23 May, 2011.

On 13 July, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, and a statement of unintentional delay, reply in the form of fees due and a terminal disclaimer and fee—however, the record revealed also that the electronic signature on the terminal disclaimer was different from that on the petition, despite the indication that both papers were executed by the same person. Thus, either the petition was not properly signed or the terminal disclaimer was not properly signed, and the petition was dismissed on 16 August, 2011.

On 7 September, 2011, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.137(b), with fee, and a statement of unintentional delay, reply in the form of fees due, with a terminal disclaimer and fee. The petition and disclaimer were similarly signed this time. (It is noted that the paper entitled "Request for Reconsideration" erroneously states that "the original S-signature on the previous version of the documents also matched." The representation is incorrect in that it is incomplete. The original petition was signed:

/MateoAboy/
Mateo Aboy

while the terminal disclaimer was signed:

/MateoAboy/
Pedro Mateo *Riobo* Aboy (Emphasis supplied)

Petitioner's affectation of two different name specifications—i.e., a full name and a shortened or nickname—individually set forth in separate papers where then paired with a name between forward-slash bars ("/****/") is unclear and inconsistent. The same practitioner signing and submitting companion documents contemporaneously in a single matter reasonably and prudently executes such companion documents similarly for clarity and consistency. In the face inconsistencies as here, the Office does not interpret meaning as to a signor's proper name or intents.)

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

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.[2],[3]

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.[4]

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 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).

[3] 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.))

[4] 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).

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 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 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[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

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[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 attdance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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Alexandria, VA 22313-1450
www.uspto.gov

John Karl Buche
BUCHE & ASSOCIATES, P.C.
875 PROSPECT
SUITE 305
LA JOLLA CA 92037

MAILED

APR 25 2011

OFFICE OF PETITIONS

In re Application of :
Tiffiney Welles :
Application No. 29/358,101 : DECISION ON PETITION
Filed: March 22, 2010 :
Attorney Docket No. WELLES-COLLAR :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 15, 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.

This application became abandoned for failure to timely pay the issue fee on or before January 6, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 6, 2010. Accordingly, the date of abandonment of this application is January 7, 2011. A Notice of Abandonment was mailed on January 20, 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 $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).

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.

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

cc: Tiffiney Welles
4121 Falcon Street
San Diego, CA 92103

UNITED STATES PATENT AND TRADEMARK OFFICE

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John Karl Buche
BUCHE & ASSOCIATES, P.C.
875 PROSPECT
SUITE 305
LA JOLLA CA 92037

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of :
Tiffiney Welles :
Application No. 29/358,101 : DECISION ON PETITION
Filed: March 22, 2010 :
Attorney Docket No. WELLES-COLLAR :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 13, 2011, 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 January 6, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 6, 2010. Accordingly, the date of abandonment of this application is January 7, 2011. A Notice of Abandonment was mailed on January 20, 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 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). Accordingly, the issue fee 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 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

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SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3592

MAILED

JAN 20 2011

OFFICE OF PETITIONS

In re Application of :
Helmut Losel :
Application No. 29/358,149 : ON PETITION
Filed: March 23, 2010 :
Attorney Docket No.: 046354.036 :

This is a decision on the petition, filed November 12, 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 reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 30, 2010. A Notice of Abandonment was mailed on November 4, 2010. In response, on November 12, 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

[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.

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 item (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 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. A terminal disclaimer fee of $140 ($70 if small entity) is required. 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[3]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

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)

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1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3592

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Helmut Losel	:	
Application No. 29/358,149	:	ON PETITION
Filed: March 23, 2010	:	
Attorney Docket No.: 046354.036	:	

This is a decision on the renewed petition, filed March 17, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed March 30, 2010. A Notice of Abandonment was mailed on November 4, 2010. On November 12, 2010, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed January 20, 2011. In response, on March 17, 2011, the present petition was filed.

The renewed petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply, (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 March 17, 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 Patent Application Processing (OPAP) for further processing using the declaration filed October 29, 2010.

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

/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

Law Offices of Larry K. Roberts
2603 Main Street
9th Floor
Irvine, California 92614-6232

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Justin SMYERS	:	DECISION GRANTING PETITION
Application No. 29/358,174	:	UNDER 37 CFR 1.137(b)
Filed: 23 March 2010	:	
Atty. Docket No.: 2222	:	

This is a decision on the petition under 37 CFR 1.137(b), filed 13 January 2011, to revive the above-identified application ("Application").

The petition is **GRANTED**.

The Application became abandoned for failure to pay the Issue fee set forth in the Notice of Allowance and Fee(s) Due mailed 27 September 2010 ("Notice"), which set a statutory reply period of three (3) months. The application thus became abandoned on 28 December 2010, with notification mailed 10 January 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the 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).

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 replacement drawings, (2) a petition fee of $1620, (3) a Statement of unintentional delay, and (4) a terminal disclaimer, plus fee. The reply to the Notice is accepted as having been unintentionally delayed.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Office of Data Management for further action on the filed Response.

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

MAILED
SEP 20 2011
OFFICE OF PETITIONS

Monument IP Law Group
1717 Pennsylvania Avenue
Suite 900
Washington DC 20006

In re Application of	:	
Jeff CICATKO	:	ON PETITION
Application No. 29/358,226	:	
Filed: March 24, 2010	:	
Atty. Docket No.: CICAT.001D	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed May 18, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned August 19, 2011. The Notice of Abandonment was mailed September 2, 2011.

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 as required by the Notice mailed May 18, 2011, (2) a petition fee of $810, (3) a statement of unintentional delay, and (4) 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 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.

Application No. 29/358,226

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 21 2011

OFFICE OF PETITIONS

Monument IP Law Group
1717 Pennsylvania Avenue
Suite 900
Washington DC 20006

In re Application of	:	
Jeff CICATKO	:	ON PETITION
Application No. 29/358,226	:	
Filed: March 24, 2010	:	
Atty. Docket No.: CICAT.001D	:	

This is a revised decision on the petition under 37 CFR 1.137(b), filed September 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed May 18, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned August 19, 2011. The Notice of Abandonment was mailed September 2, 2011.

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 as required by the Notice mailed May 18, 2011, and replacement drawings (2) a petition fee of $810, (3) a statement of unintentional delay, and (4) 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 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.

Application No. 29/358,226

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

Robert DeWitty
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

Michael T. Sudia
416 Antelope Ridge Way
Danville CA 94506

MAILED
AUG 17 2011
OFFICE OF PETITIONS

In re Application of :
Michael Thomas Sudia :
Application No. 29/358,356 : DECISION ON PETITION
Filed: March 25, 2010 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 28, 2011, 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 June 17, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 17, 2011. Accordingly, the date of abandonment of this application is June 18, 2011. A Notice of Abandonment was mailed on July 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of issue fee payment of $430, (2) the petition fee of $810, (3) a proper statement of unintentional delay (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the issue fee 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 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

FASKEN MARTINEAU DUMOULIN, LLP
STOCK EXCHANGE TOWER, SUITE 3700
P.O. BOX 242, 800 PLACE VICTORIA
MONTREAL QC H4Z 1E9 CA CANADA

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Patent No. D,626,493 :
Issued: 11/02/2010 :
Application No. 29/358,389 : NOTICE
Filed: 03/26/2010 :
Attorney Docket No. 116995.166 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 14, 2012.

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) 272-3211.

/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

FASKEN MARTINEAU DUMOULIN, LLP
STOCK EXCHANGE TOWER, SUITE 3700
P.O. BOX 242, 800 PLACE VICTORIA
MONTREAL QC H4Z 1E9 CANADA

MAILED

JAN 19 2012

OFFICE OF PETITIONS

In re Patent No. D634249 :
Issued: 03/15/2011 :
Application No. 29/358,391 : NOTICE
Filed: 03/26/2010 :
Docket No. 116995.167 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 23, 2011.

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) 272-3211.

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

February 1, 2012

Arnold H. Krumholz
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

Patent No.: D638,100 S
Application No.: 29/358,410
Inventor(s): Lin Wen Juan
Issued: May 17, 2011
Title: **SHOWER HEAD**

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.

A petition under C.F.R. 1.182 is, required to correct the alleged error in an inventor's name/address, since an inventor's address is printed in accordance with the Declaration or the PTOL-85B (Issue Fee Transmittal), in file at the time of payment of the base issue fee. The Patent and Trademark Office did not make the error in the printing of the patent. An inventor's address is a matter not affecting the validity of technical subject mater of the patent, and since inventors often move both before the issuance of the patent and afterwards, no correction is in order under the provision of Rule 1.323, unless a petition under 1.18

In view of the foregoing, your request, in this mater, is hereby denied.

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 1.182 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) 273-0025 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 Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-0460 (voice)
(571) 270-9892 (fax)

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

BLUE LEAF I.P., INC.
P.O. BOX 1895
M.S. 641
NEW HOLLAND, PA 17557

MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Application of :
Michael George Kovach, et al. :
Application No. 29/358,419 : DECISION ON PETITION
Filed: March 26, 2010 :
Attorney Docket No. 19039 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 22, 2010, 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 October 8, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 8, 2010. Accordingly, the date of abandonment of this application is October 9, 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 $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.

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

UNITED STATES 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. :D 623,103
Ser. No. :29/358,507
Inventor(s) :Braga
Issued :09/07/10
Title :Vehicle Fender Flare
Docket No. :

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.

A certificate of correction will be issued to correct the remaining errors noted in your request.

[RoChaun Johnson]
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0470 or (703) 756-1814

DAVID D'ASCENZO
DASCENZO INTELLECTUAL
PROPERTY LAW PC
522 SW 5TH AVE. SUITE 925
PORTLAND OREGON 97204
RMJ

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
522 SW 5TH AVE
SUITE 925
PORTLAND, OR 97204-2126

MAILED
MAY 26 2011
OFFICE OF PETITIONS

In re Patent No. D623,103 :
Issue Date: September 7, 2010 :
Application No. 29/358,507 : ON PETITION
Filed: March 29, 2010 :
Attorney Docket No. LTD 328 :

This is a decision on the petition filed April 18, 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 **GRANTED**.

Petitioner indicates that the correct assignee's name is Bushwacker, Inc. and that an incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b). The present communication requests that a certificate of correction be issued to reflect the correct assignee on the front 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.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

A review of the details of the assignment recorded on March 31, 2010 confirms that Bushwacker, Inc. is the assignee of record. A corrected assignment was filed on January 5, 2011. Petitioner also provided a request for a certificate of correction under § 1.323 and the fee required by § 1.20(a). Since the processing fee set forth in § 1.17(i) has not been paid, the $130 fee will be charged to counsel's deposit account as authorized. Accordingly, the request is found to comply with the provisions of 37 CFR 3.81(b).

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.

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 (703) 756-1814.

/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
www.uspto.gov

CARDINAL LAW GROUP, LLC
SUITE 2000
1603 ORRINGTON AVENUE
EVANSTON IL 60201

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of :
George A. Golota, et al. :
Application No. 29/358,552 : ON PETITION
Filed: March 29, 2010 :
Attorney Docket No. 4700/129 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 1, 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 submit replacement drawings on or before January 10, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 8, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 11, 2011. The Notice of Abandonment was mailed January 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(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 the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

Enclosed: PTO/SB/63 (Terminal Disclaimer)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CARDINAL LAW GROUP, LLC
SUITE 2000
1603 ORRINGTON AVENUE
EVANSTON IL 60201

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of :
George A. Golota, et al. :
Application No. 29/358,552 : DECISION ON PETITION
Filed: March 29, 2010 :
Attorney Docket No. 4700/129 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 18, 2011, 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 October 8, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 9, 2011. The Notice of Abandonment was mailed January 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 $1,620, (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 the Office of Data Management for processing into a patent.

/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

TECHLAW LLP-EPSTEIN
10755 SCRIPPS POWAY PARKWAY,
SUITE 465
SAN DIEGO CA 92131

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Michael CASEY, et al	:	
Application No. 29/358,563	:	DECISION ON PETITION
Filed: March 29, 2010	:	TO WITHDRAW
Attorney Docket No. 90922D	:	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 23, 2010.

The request is **NOT APPROVED because it is moot.**

A review of the file record indicates that the power of attorney to Laurie A. Axford and the attorneys associated with Customer No. 20529, has been revoked by the assignee of the patent application on December 10, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/358,563	03/29/2010	Michael CASEY	90922D

CONFIRMATION NO. 6807

11485
TechLaw LLP- Epstein
10755 Scripps Poway Parkway, Suite 465
San Diego, CA 92131

POA ACCEPTANCE LETTER

OC000000044975577

Date Mailed: 12/16/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2010.

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.

/sleutchit/

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
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
29/358,563	03/29/2010	Michael CASEY	90922D

CONFIRMATION NO. 6807

20529
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

POWER OF ATTORNEY NOTICE

OC00000004497519

Date Mailed: 12/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/sleutchit/

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

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

Li & Cai Intellectual Property(USA) office
2820 Shawn Leigh Dr
Vienna VA 22181

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Chu-Chau HUANG	:	DECISION GRANTING PETITION
Application No. 29/358,574	:	UNDER 37 CFR 1.137(b)
Filed: March 29, 2010	:	
Atty. Docket No.: 99P000164US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 18, 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 October 7, 2010, which set a statutory period of reply of three (3) months. The application became abandoned on January 8, 2011. A Notice of Abandonment was mailed January 24, 2011.

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 in accordance with the Notice of Allowance and Fee(s) Due mailed October 7, 2010, (2) a petition fee of $810, (3) a statement of unintentional delay, and (3) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 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.

The Change of Address submitted with the instant petition is acknowledged herewith.

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 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 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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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of :
Manfred Nitsch :
Application No. 29/358,588 : ON PETITION
Filed: March 30, 2010 :
Attorney Docket No. D5922US :

This is a decision on the petition under 37 CFR 1.137(b), filed February 4, 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 to File Missing Parts of Nonprovisional Application (Notice), mailed April 9, 2010. 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 June 10, 2010. The Notice of Abandonment was mailed December 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form a declaration and $130 surcharge; (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).

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for further processing.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : 06/21/11

Patent No. : D638295 S
Inventor : **Heidel , et al.**
Patent Issued : **May 24, 2011**
Docket No. : **D1645**

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.

Inspection of the file of the application for the patent reveals that in the Title Page, Item (75) Brookin is printed in accordance with the record (no fee or authorization to charge fee). **"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) 305-8309

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

Lmn

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Chih-Hao Chang et al. :
Application No. 29/358,940 : DECISION ON PETITION
Filed: April 2, 2010 :
Attorney Docket No. **US29928** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before January 18, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 15, 2010, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is 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 payment of the issue fee of $990, (2) the petition fee of $1,860; 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.

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
www.uspto.gov

BRANDON N. SKLAR. ESQ.
(PATENT PROSECUTION)
KAYE SCHOLER, LLP
425 PARK AVENUE
NEW YORK NY 10022-3598

MAILED

MAR 16 2011

OFFICE OF PETITIONS

In re Application of :
SMITH :
Application No. 29/359,028 : DECISION ON PETITION
Filed: April 5, 2010 :
Attorney Docket No. 41566-0011 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 2011, 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 November 5, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 5, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 6, 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.

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.

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

Timothy A. Johnson
Energizer Personal Care LLC.
10 Leighton Road
Milford CT 06460

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of :
Wes Rhoad :
Application No. 29/359,103 : DECISION
Filed: April 6, 2010 : ON PETITION
Attorney Docket No. SWS-1025 :

This is in response to the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)," filed September 21, 2010.

The petition under § 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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(a)." Extensions of time are permitted under § 1.136(a).

The above-identified application became abandoned for failure to pay the Issue Fee within three months of the mailing date, May 25, 2010, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. A courtesy Notice of Abandonment was mailed on September 8, 2010.

This petition includes the required reply[1] in the form of payment of the Issue Fee; and payment of the petition fee set forth in 37 CFR § 1.17(l). The petition also includes a terminal disclaimer (and fee). Petitioner maintains that the

[1] There was no distinct and concurrent requirement to pay a publication fee or to submit drawings.

delay in payment of the issue fee was unavoidable as the Notice of Allowance was not received at the correspondence address of record. Petitioner attributes the non-receipt to an error by the Office in the formatting of the representative's mailing address inasmuch as there is no line break between "Energizer Personal Care LLC" and "10, Leighton Road." Petitioner further states that he contacted a representative of the United States Postal Service ("USPS") and was told this unconventional format can result in delivery problems due to the inability of automated sorting equipment to adequately recognize the address. The petition did not include any other evidence of non-receipt, such as docketing records, in support of this contention.

A grantable petition under § 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 C.F.R. § 1.17(l); (3) a showing to the satisfaction of the Commissioner 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 unavoidable; and (4) any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to § 1.137(d). The instant petition fails to meet requirement (3).

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.

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 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 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, 671 F.2d at 538, 213 U.S.P.Q. at 982. Nonetheless, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines, 673 F. Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32.

There is a strong presumption that the Notice of Allowance was properly mailed to the applicants at the correspondence address of record. The argument offered by petitioner as to the error in the mailing address is not sufficiently persuasive to overcome this presumption. It is confirmed that there was no line break in the Notice as addressed[2]. However, the record of this application indicates that previously mailings with no line break, such as the Notice to File Missing Parts of Application, were received at the correspondence address of record. Further, the USPS's statement only indicates that this may cause a problem with delivery of the mail. The USPS's statement does not preclude a conclusion that this mail could be manually processed and delivered. Further, this mailing was not returned as undeliverable to the Office. Finally, petitioner has not met the established standard for overcoming the presumption. Specifically, as stated in MPEP 711.03(c):

> The showing required to establish 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.

---

[2] An internal mail has been sent to the customer number section of the Office to review this stated error; however, petitioner may wish to follow up with the customer number section to resolve any outstanding issue with the associated address in the records of the Office.

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.

Having not made an adequate showing of non-receipt of the Office action, the petition cannot be granted under §1.137(a).

Alternative Venue

While the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a request for reconsideration pursuant to 37 CFR § 1.137(b) on the basis of unintentional delay. A grantable petition under § 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 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 this paragraph was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to § 1.137(d).

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: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Timothy A. Johnson
Energizer Personal Care LLC.
10 Leighton Road
Milford CT 06460

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Wes Rhoad :
Application No. 29/359,103 : DECISION
Filed: April 6, 2010 : ON PETITION
Attorney Docket No. SWS-1025 :

This is in response to the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)," filed February 1, 2011.

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

The above-identified application became abandoned for failure to pay the Issue Fee within three months of the mailing date, May 25, 2010, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. A courtesy Notice of Abandonment was mailed on September 8, 2010.

By decision mailed December 20, 2010, a prior petition filed based on non-receipt of the Notice of Allowance was dismissed. The petition did not include adequate proof of non-receipt.

In response, applicant filed this petition based on unintentional delay under 37 CFR 1.137(b). Applicant did not file any additional evidence to show non-receipt. The prior petition included the required reply[1] in the form of payment of the Issue Fee; and a terminal disclaimer (and fee). The renewed

[1] There was no distinct and concurrent requirement to pay a publication fee or to submit drawings.

petition includes payment of the petition fee set forth in 37 CFR § 1.17(m) and another terminal disclaimer (and fee).

The terminal disclaimer has been accepted and made of record.

As only one terminal disclaimer is required to revive this design application, the fee paid for the duplicate disclaimer is being refunded under separate cover by the Office of Finance.

The application is being forwarded to the Office of Data Management for processing into a patent.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10-06-11

TO SPE OF : ART UNIT 2912 29/359128 /tj/

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/359125 Patent No.: D627634

CofC mailroom date: 09-26-11

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 571.272.9005
CofC Branch 703-756-1814

Note: _____

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: _____

SPE **Art Unit** 2912

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10-06-11

TO SPE OF : ART UNIT 2912 29/359128 /tj/

SUBJECT : Request for Certificate of Correction for Appl. No.: ~~29/359125~~ Patent No.: D627634

CofC mailroom date: 09-26-11

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

Note: _____

_____

Angela Green 571.272.9005

CofC 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: Please note the Serial No was incorrect and has been changed above.

SUPERVISORY PATENT EXAMINER

SPE **Art Unit** 2912

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111011

DATE : October 11, 2011

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D628164

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

MATHEWS, SHEPHERD, MCKAY, & BRUNEAU, P.A.
29 THANET ROAD, SUITE 201
PRINCETON NJ 08540

MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application of :
Torenbeek :
Application No. 29/359,176 : DECISION ON PETITION
Filed: April 7, 2010 :
Attorney Dkt. No.: 5356-178 US :
:

This is a decision on the petition under 37 CFR 1.137(b), filed January 28, 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.

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 October 27, 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 January 28, 2011. A Notice of Abandonment was mailed on February 1, 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(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 (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

MATHEWS, SHEPHERD, MCKAY, & BRUNEAU, P.A.
29 THANET ROAD, SUITE 201
PRINCETON NJ 08540

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Torenbeek	:	
Application No. 29/359,176	:	DECISION ON PETITION
Filed: April 7, 2010	:	
Attorney Dkt. No.: 5356-178 US	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 14, 2011, 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, and submit corrected drawings, as required by the Notice of Allowability both of which were mailed October 27, 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 January 28, 2011. A Notice of Abandonment was mailed on February 1, 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 and 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 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.

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

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE. 1500
ATLANTA GA 30339-5994

MAILED
MAR 17 2011
OFFICE OF PETITIONS

In re Application of	:	
Chung-Chuan Hsieh	:	DECISION GRANTING PETITION
Application No. 29/359,190	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: April 7, 2010	:	
Attorney Docket No. 250512-1170	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed March 15, 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 November 16, 2010 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 March 15, 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

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

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

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Marc EVON : DECISION GRANTING PETITION
Application No. 29/359,203 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: April 7, 2010 :
Attorney Docket No. **034093.000002** :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed December 2, 2010, 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 December 2, 2010 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 December 2, 2010.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
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

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Lai et al.	:	
Application No.: 29/359251	:	ON PETITION
Filing or 371(c) Date: 04/07/2010	:	
Title of Invention:	:	
LIGHT-EMITTING DIODE	:	

This is a decision on the renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed October 28, 2011.

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, mailed November 30, 2010. The Notice(s) set a non-extendable three (3) month period for reply. No complete and proper reply having been received, the application became abandoned on March 1, 2011.

The renewed 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; (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 as required by the Notice 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 any 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.

/D LW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCNAIR LAW FIRM, P.A.
P.O. BOX 447
GREENVILLE SC 29602-0447

MAILED

NOV 24 2010

OFFICE OF PETITIONS

In re Application of :
Richard REIMCHEN, et *al.* :
Application No. 29/359,287 : NOTICE UNDER 37 CFR 28C
Filed: April 8, 2010 :
Attorney Docket No. **022946.00544** :

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 the undersigned at (571) 272-7253.

/Monica A. Graves/
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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CROSE LAW LLC
112 NORTHBROOKE TRACE
WOODSTOCK GA 30188

MAILED

OCT 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Cornista et al.	:	
Application No. 29/359,345	:	DECISION ON PETITION
Filed: April 8, 2010	:	
Attorney Docket No. PT-10-44	:	

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.

This application became abandoned for failure to timely to submit Corrected Drawings on or before September 27, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 25, 2010. Accordingly, the date of abandonment of this application is September 28, 2010. A Notice of Abandonment was mailed October 8, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(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 (form enclosed) and $70.00 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.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: 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 abov e-identified applic ation is a uti lity or plant appl ication, the less er of: (a) the period of abandonment of the application; or (b) the per iod ex tending bey ond twenty years from the date on which the above-identified application was filed in the United States or, if the appl ication contains a specific reference to an earlier filed application(s) und er 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest s uch application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 199 5, or a des ign application, that conta ins 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 CO MPLETED 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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CROSE LAW LLC
112 NORTHBROOKE TRACE
WOODSTOCK GA 30188

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Cornista et al.	:	
Application No. 29/359,345	:	DECISION ON PETITION
Filed: April 8, 2010	:	
Attorney Docket No. PT-10-44	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 2, 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 September 27, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 25, 2010. Accordingly, the date of abandonment of this application is September 28, 2010. A Notice of Abandonment was mailed October 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings (previously submitted on October 12, 2010), (2) the petition fee of $810.00 (previously paid October 12, 2010); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and required $70.00 fee.

The terminal disclaimer 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 12, 2010.

Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110407

DATE : March 29, 2011

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D627714

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:

29/359,387

/CARON D VEYNAR/
Supervisory Patent Examiner.Art Unit 2913

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

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
David Mangel :
Application No. 29/359,483 : ON PETITION
Filed: April 12, 2010 :
Attorney Docket No. 30519/30000 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 7, 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 Restriction Requirement mailed August 4, 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 September 5, 2010.

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

ABSOLUTE TECHNOLOGY LAW GROUP LLC
3316 W. Wisconsin Avenue
MILWAUKEE WI 53208

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Christopher Malone et al.	:	
Application No. 29/359,501	:	DECISION ON PETITION
Filed: April 12, 2010	:	TO WITHDRAW
Attorney Docket No. EPSI_DES_0310	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2011.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because 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

Absolute Technology Law Group, LLC
3316 W. Wisconsin Avenue
Milwaukee, WI 53208

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Christopher Malone et al. :
Application No. 29/359,501 : DECISION ON PETITION
Filed: April 12, 2010 : TO WITHDRAW
Attorney Docket No. EPSI_DES_0310 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 8, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Absolute Technology Law Group, LLC, has been revoked by the assignee of the patent application on March 17, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Michael Best & Friedrich, LLP
100 E. Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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MAILED

OCT 25 2010

OFFICE OF PETITIONS

DIEHL SERVILLA LLC
33 WOOD AVE SOUTH
SECOND FLOOR, SUITE 210
ISELIN NJ 08830

In re Application of :
THOMPSON, Eric et al. :
Application No. 29/359,582 : DECISION ON PETITION
Filed: April 13, 2010 : TO WITHDRAW
Attorney Docket No. **ANS0003-05D3** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2010.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to DIEHL SERVILLA LLC has been revoked by the assignee of the patent application on September 30, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **MOSER IP LAW GROUP/ANSELL LIMITED**
1030 BROAD STREET, SUITE 203
SHREWSBURY NJ 07702

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

JOSEPH B. BOWMAN
5441 EAST GLENEAGLES DRIVE
TUCSON AZ 85718-1805

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of :
Cheng :
Application No. 29/359,599 : ON PETITION
Filed: April 13, 2010 :
Attorney Docket No. FKLS.210006 :

This is a decision on the petition under 37 CFR 1.137(a), filed January 3, 2011, to revive the above-identified application.

The petition is **DISMISSED.**

Any further petition to revive 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 "Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

The Office contends that the above-identified application became abandoned for failure to submit the issue fee of $430.00 and corrected drawings in response to the Notice of Allowance and Fee(s) Due and the Notice of Allowability for a Design Application, respectively, which set a non-extendable three (3) month period for reply from their August 6, 2010 mail date. No reply being received, the Office considered this application abandoned on November 7, 2010. A Notice of Abandonment was mailed on November 29, 2010.

Petitioner asserts that the August 6, 2010 Notices were not received at the correspondence address of record.

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 items (3) and (4).

With respect to item (3): A review of the written record indicates no irregularity in the mailing of the Notices, and, in the absence of any irregularity, there is a strong presumption that the Notices were properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notices were not in fact received.

The showing required to establish non-receipt of an Office communication must include:

(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. 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.

(2) 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.

(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. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt 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. See MPEP §711.03(c)(I)(A).

Petitioner has not met requirements (1) – (3) listed above.

In short, petitioner has not provided adequate evidence of non-receipt.

With respect to item (4): 37 CFR 1.137(d) requires that a petition under 37 CFR 1.137(b) be accompanied by a terminal disclaimer and fee regardless of the period of abandonment in a design application. This application is a design application. Thus, petitioner is required to submit a terminal disclaimer and 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 facsimile:	**(571) 273-8300** Attn: Office of Petitions
By hand:	U. S. Patent and Trademark Office Customer Service Window, Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
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 decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOSEPH B. BOWMAN
5441 EAST GLENEAGLES DRIVE
TUCSON AZ 85718-1805

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Cheng :
Application No. 29/359,599 : ON PETITION
Filed: April 13, 2010 :
Attorney Docket No. FKLS.210006 :

This is a decision on the renewed petition under 37 CFR 1.137(a), filed March 17, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The Office contends that the above-identified application became abandoned for failure to submit the issue fee of $430.00 and corrected drawings in response to the Notice of Allowance and Fee(s) Due and the Notice of Allowability for a Design Application, respectively, which set a non-extendable three (3) month period for reply from their August 6, 2010 mail date. No reply being received, the Office considered this application abandoned on November 7, 2010. A Notice of Abandonment was mailed on November 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of the issue fee of $430.00 and corrected drawings (2) the petition fee of $270.00; (3) a showing to the satisfaction of the Director that the entire delay was unavoidable, and (4) 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 January 3, 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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United States Patent and Trademark Office
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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510

MAILED

FEB 09 2011

OFFICE OF PETITIONS

In re Application of
Moris Topaz
Application No. 29/359,680
Filed: April 14, 2010
Attorney Docket No. **10-205**

: DECISION ON PETITION

This is a decision on the filing date petition filed May 17, 2010 under 37 CFR 1.57(a).

The application was filed on April 14, 2010 and applicant acknowledges that the specification was inadvertently not included with the original application papers but argues with the instant petition, that an Application Data Sheet was filed with a claim for priority to two separate design patent applications from Israel, namely IL48418 and IL48419, both filed October 14, 2009. With the instant petition copies of the priority documents are submitted.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

In view of 37 CFR 1.57 which provides that a proper priority claim under 37 CFR 1.55 or 37 CFR 1.78 can also be considered an incorporation by reference of the prior filed application as to the inadvertently omitted specification and drawings, the argument is persuasive and the petition therefore is **GRANTED**.

Petitioner is advised that the fee for a petition under 37 CFR 1.57 is set at $400.00 not $130.00 as indicated and as such, per the authorization in the petition, $400.00 has been charged to deposit account no. 02-0184. Since the petition fee was required to accord the requested filing date and since the error occurred through no wrongdoing on the part of the USPTO, the petition fee in the amount of $400.00 has been charged to petitioner's deposit account and cannot be refunded.

The primary examiner is expected to compare the specification, claims and abstract supplied on May 17, 2010, to the disclosures of IL48418 and IL48419 both filed October 14, 2009 in order to verify that they were in fact, a part of the disclosure of the parent application.

The application has been processed with a filing date of April 14, 2010. This matter is therefore being forwarded to Technology Center 2916 for examination in due course.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Christopher Bottorff
Supervisor
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

SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

MAILED

OCT 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Puneet Nanda	:	
Application No. 29/359,743	:	DECISION ON PETITION
Filed: April 14, 2010	:	
Attorney Docket No. 55781-1600	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely to submit a substitute Oath or Declaration on or before September 16, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 16, 2010. Accordingly, the date of abandonment of this application is September 17, 2010. A Notice of Abandonment was mailed September 24, 2010.

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 $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.

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 September 29, 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
www.uspto.gov

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Chih-Chung Tsao et al. :
Application No. 29/359,748 : DECISION ON PETITION
Filed: April 14, 2010 :
Attorney Docket No. **US29007** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before February 2, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 2, 2010, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is February 3, 2011.

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 $990, (2) the petition fee of $1,860; 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.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120301

DATE : March 01, 2012

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D633228

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:

Title will be inconsistent with the claim of the granted Patent. Title must be consistent throughout the Patent.

/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

HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application of
Robert CARPENTER JR., et al
Application No. 29/359,811
Filed: April 15, 2010
Attorney Docket No. 40612.18

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 27, 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 an assignee of the entire interest who has properly been made of record under 37 CFR 3.71 or the first named inventor.

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) 272-6735.

/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

Paper No.

DAVID COWAN
SUITE 654
55 WASHINGTON ST
BROOKLYN NY 11201

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of :
COWAN et al. :
Application No. 29/359,819 : DECISION ON PETITION
Filed: April 15, 2010 : PURSUANT TO 37 C.F.R.
Attorney Docket Number: 645.001 : § 1.181
Title: CANDLE SET WITH :
DECORATIVE OVERLAPPING SURFACE :

This is a decision on the petition filed May 26, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED.**

The above-identified application became abandoned for failure to submit the issue fee and corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed December 10, 2010, 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 March 11, 2011. A Notice of Abandonment was mailed on March 31, 2011.

37 C.F.R. § 10.18(a) sets forth, *in toto*:

> For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature, personally signed by such practitioner, in compliance with § 1.4(d)(1) of this chapter.

1 See MPEP § 710.02(e)(III).
2 Id.

This petition has been reviewed by the undersigned, and it is noted that **it has not been executed.** Consequently, this petition cannot be entered, pursuant to Rule 10.18(a), reproduced above.[3]

Since this petition has not been signed, this petition cannot be treated on the merits.

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". 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]

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 the undersigned at (571) 272-3225.[8] All other inquiries

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3 See also 37 C.F.R. § 1.4 and MPEP § 502.02.
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
8 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 of Petitioner's further action(s).

concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Paper No.

DAVID COWAN
SUITE 654
55 WASHINGTON ST
BROOKLYN NY 11201

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of :
COWAN et al. :
Application No. 29/359,819 : DECISION ON RENEWED PETITION
Filed: April 15, 2010 : PURSUANT TO 37 C.F.R.
Attorney Docket Number: 645.001 : § 1.181
Title: CANDLE SET WITH :
DECORATIVE OVERLAPPING SURFACE :

This is a decision on the renewed petition filed July 21, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED.**

The above-identified application became abandoned for failure to submit the issue fee and corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed December 10, 2010, 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 March 11, 2011. A Notice of Abandonment was mailed on March 31, 2011.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on May 26, 2011, and was dismissed via the mailing of a decision on June 23, 2011 as it was not executed.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

1 See MPEP § 710.02(e)(III).
2 Id.

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **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.**
>
> 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).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).
>
> (Emphases added).

ANALYSIS

With this petition, Petitioner has stated that the Notice of Allowance and Issue Fee Due of December 10, 2010 was not received at the correspondence address of record.[3]

Petitioner has explained that he reviews all incoming mail, writes any due date on the outside of the envelope, and places it in an inbox which is on his desk.[4]

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, Petitioner has suggested that he does not maintain a system for recording an Office communication received at the

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3 Renewed Petition, paragraph 5.
4 Id. at 4.

correspondence address of record with the USPTO, and as such, it cannot be shown that he maintains a docketing system that is sufficiently reliable.

Second, the petition is silent as to any search that might have been performed of the contents of the aforementioned inbox, in order to determine if the Notice of Allowance and Issue Fee Due of December 10, 2010 was received.

Third, Petitioner has not provided a copy of the master docket, or stated that no such master docket exists and submitted other forms of evidence (although it does not appear that other forms of evidence exist).

As such, the record does not support a finding that the holding of abandonment should be withdrawn. The renewed petition pursuant to Rule 1.181 is dismissed accordingly.

ALTERNATE VENUE

Due to the fact that Petitioner is a pro se Applicant, and that he does not maintain a docketing system, and that it appears that he does not maintain a file jacket, a master docket, an incoming mail log, a calendar, a reminder system, or an individual docket record for the application in question, it follows that Petitioner does not appear to be in a position to adequately support his assertion of non-receipt.

Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a)[5] and/or (b).[6] Unless Petitioner believes that he can successfully establish that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard. Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

5 The fee that is associated with the filing of this petition is presently set at $270 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0061.pdf.
6 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.

CONCLUSION

The time period for filing a second renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

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,[7] hand-delivery,[8] or facsimile.[9] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[10] 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 the undersigned at (571) 272-3225.[11] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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7 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
8 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
9 (571) 273-8300: please note this is a central facsimile number.
10 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
11 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 of 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

Paper No.

DAVID COWAN
SUITE 654
55 WASHINGTON ST
BROOKLYN NY 11201

MAILED
OCT 20 2011
OFFICE OF PETITIONS

In re Application of :
COWAN et al. :
Application No. 29/359,819 : DECISION ON SECOND RENEWED
Filed: April 15, 2010 : PETITION PURSUANT TO
Attorney Docket Number: 645.001 : 37 C.F.R. § 1.181
Title: CANDLE SET WITH :
DECORATIVE OVERLAPPING SURFACE :

This is a decision on the second renewed petition filed September 27, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This second renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee and corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed December 10, 2010, 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 March 11, 2011. A Notice of Abandonment was mailed on March 31, 2011.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on May 26, 2011, and was dismissed via the mailing of a decision on June 23, 2011 as it was not executed.

A renewed petition pursuant to 37 C.F.R. § 1.181(a) was filed on July 21, 2011, where Petitioner stated that the Notice of Allowance and Issue Fee Due of December 10, 2010 was not

1 See MPEP § 710.02(e)(III).
2 Id.

received at the correspondence address of record and that he reviews all incoming mail.[3] The renewed petition was dismissed via the mailing of a decision on July 28, 2011.

With this second renewed petition, Petitioner has indicated that all USPTO deadlines are entered into his organization's calendar which provides reminders when a task has been scheduled[4] and that he has searched in multiple places for the relevant correspondence.[5] Petitioner has further provided a copy of his calendar for the relevant time period.[6]

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the Notice of Allowance and Issue Fee Due of December 10, 2010 was not received, pursuant to MPEP § 711.03(c).

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will re-mail the Notice of Allowance and Issue Fee Due of December 10, 2010, and will set a new period for response.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center 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 Technology Center 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.[7] All other inquiries

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3 Renewed petition, paragraph 5.
4 Second renewed petition, pages 1-2.
5 Id. at 2.
6 Id. at 4.
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 of Petitioner's further action(s).

concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior 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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MAILED
JUL 27 2011
OFFICE OF PETITIONS

MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

In re Application of :
AVERY :
Application No. 29/359,843 : ON PETITION
Filed: April 15, 2010 :
Attorney Docket No. LEAP-P0443 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 6, 2011, 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 October 22, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 22, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 23, 2010. A Notice of Abandonment was mailed January 3, 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(s) (1).

With respect to item (1): A review of the record shows that the petition in the above-identified application was accompanied by a payment of $860 for the issue fee. The instant petition cannot be granted because the required reply, as set out under the provisions of 37 CFR 1.137(b) and required by the Notice mailed July 22, 2010, has not been provided. No consideration on the merits can be given until the required fee deficiency is remitted.

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
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MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
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SAN JOSE CA 95113

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of	:	
AVERY	:	
Application No. 29/359,843	:	DECISION ON PETITION
Filed: April 15, 2010	:	
Attorney Docket No. LEAP-P0443	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 9, 2011, 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 October 22, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 22, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 23, 2010. A Notice of Abandonment was mailed January 3, 2011.

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) a 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.

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

The 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
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MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

MAILED
NOV 09 2011
OFFICE OF PETITIONS

In re Application of :
AVERY :
Application No. 29/359,843 :
Filed: April 15, 2010 :
Attorney Docket No. LEAP-P0443 :

CORRECTED
DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 9, 2011, 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 October 22, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 22, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 23, 2010. A Notice of Abandonment was mailed January 3, 2011.

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) a 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.

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

The application is being referred to Technology Center 2911 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
Alexandria, VA 22313-1450
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ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD CT 06905-5619

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Kevin E. Halleck :
Application No. 29/359,940 :
Filed: April 16, 2010 :
Attorney Docket No. 02580-D0235A :

DECISION ON PETITION

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 **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed April 29, 2010. 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) was obtained. Accordingly, the application became abandoned on June 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 drawings, (2) the petition fee of $1,620, (3) a proper statement of unintentional delay (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the 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.

A surcharge fee of $130 as required in the Notice to File Missing Parts will be charged to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received January 11, 2011. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KRISTOFER E. ELBING
187 PELHAM ISLAND ROAD
WAYLAND MA 01778

MAILED

OCT 06 2011

OFFICE OF PETITIONS

In re Application of
James Leahy et al.
Application No. 29/359,944
Filed: April 16, 2010
Attorney Docket No. **S0014-010001**

ON PETITION

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER MPEP § 711.03(c)I.A" filed September 20, 2011, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned for failure to pay the issue fee on or before June 3, 2011 as was required by the Notice of Allowance mailed March 3, 2011. This application therefore became abandoned on June 6, 2011. Accordingly, a Notice of Abandonment was mailed June 16, 2011.

Petitioner claims that the Notice of Allowance was not received because a previously filed Power of Attorney and Change of Correspondence Address was not processed.

A review of the file reveals however that a power of attorney and address change was filed on October 8, 2010 but that the information was not updated prior to the mailing of the Notice of Allowance and Notice of Allowability on March 3, 2011. Thus, the Notice of Allowance and Notice of Allowability was mailed to the wrong address and as petitioners claim, not received.

In view of the above, no petition fees are due and none have been charged.

The Notice of Abandonment is withdrawn and this matter is being referred to Technology Center 2916 for a re-mailing of the Notice of Allowance and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
Konstantinos Bakalis :
Application No. 29/360,001 : DECISION ON PETITION
Filed: April 19, 2010 :
Attorney Docket No. 1596-15 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 19, 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 May 18, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 19, 2011. A Notice of Abandonment was mailed on September 2, 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 is required. If the terminal disclaimer is signed by the assignee, an assignee must comply with the requirements of 37 CFR 3.73(b).

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

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United States Patent and Trademark Office
P.O. Box 1450
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445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

MAILED

OCT 20 2011

OFFICE OF PETITIONS

In re Application of :
Konstantinos Bakalis :
Application No. 29/360,001 :
Filed: April 19, 2010 :
Attorney Docket No. 1596-15 :

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2011, 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 May 18, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 19, 2011. A Notice of Abandonment was mailed on September 2, 2011.

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). Accordingly, the corrected 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 A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE, NY 11747

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of :
Konstantinos Bakalis :
Application No. 29/360,007 : ON PETITION
Filed: April 19, 2010 :
Attorney Docket No.: 1596-16 :

This is a decision in response to a petition, filed September 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 submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed May 18, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 19, 2011. A Notice of Abandonment was mailed on September 2, 2011. On September 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 $160 ($80 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[3]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

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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SUITE 420
MELVILLE, NY 11747

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of :
Konstantinos Bakalis :
Application No. 29/360,007 : ON PETITION
Filed: April 19, 2010 :
Attorney Docket No.: 1596-16 :

This is a decision on the renewed petition, filed October 4, 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 March 18, 2011. A Notice of Abandonment was mailed on September 2, 2011. On September 19, 2011, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed September 29, 2011. In response, on October 4, 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 $80 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed October 4, 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

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445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
Konstantinos Bakalis :
Application No. 29/360,008 : DECISION ON PETITION
Filed: April 19, 2010 :
Attorney Docket No. 1596-17 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 19, 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 May 18, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 19, 2011. A Notice of Abandonment was mailed on September 2, 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 is required. If the terminal disclaimer is signed by the assignee, an assignee must comply with the requirements of 37 CFR 3.73(b).

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

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445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

MAILED

OCT 20 2011

OFFICE OF PETITIONS

In re Application of :
Konstantinos Bakalis :
Application No. 29/360,008 : DECISION ON PETITION
Filed: April 19, 2010 :
Attorney Docket No. 1596-17 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2011, 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 May 18, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 19, 2011. A Notice of Abandonment was mailed on September 2, 2011.

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). Accordingly, the corrected 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 A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 01/23/12

TO SPE OF : ART UNIT: 2911 Attn: BROOKS CATHRON C (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/360036 Patent No: D627778

CofC mailroom date: 01/09/2012

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: Please check the Drawing Should Fig. 3 be replaced or not

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

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: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER
SPE

2911
Art Unit

PAGE 1/1 * RCVD AT 2/6/2012 3:00:25 PM [Eastern Standard Time] * SVR:W-PTOFAX-002/39 * DNIS:2709941 * CSID: * DURATION (mm-ss):01-02

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110519

DATE : May 19, 2011

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D630538

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:

S.N. 29/360049

/CARON D VEYNAR/
Supervisory Patent Examiner.Art Unit 2913

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED

DEC 16 2010

OFFICE OF PETITIONS

In re Application of :
Stephan Copeland :
Application No. 29/360,053 : ON PETITION
Filed: April 20, 2010-12-13 :
Attorney Docket No.: 6999-111502 :

This is a decision on the petition, filed November 10, 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 timely respond to a Notice to File Missing Parts mailed May 4, 2010. The notice set a two-month period to respond and required an oath or declaration under 37 CFR 1.63 and the requisite surcharge under 37 CFR 1.16(e). This decision precedes the mailing of a Notice of Abandonment.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) (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 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 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[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 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

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

HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of :
Stephan Copeland :
Application No. 29/360,053 : ON PETITION
Filed: April 20, 2010 :
Attorney Docket No.: 6999-111502 :

This is a decision on the renewed petition, filed December 28, 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 failure to timely respond to a Notice to File Missing Parts mailed May 4, 2010. The notice set a two-month period to respond and required an oath or declaration under 37 CFR 1.63 and the requisite surcharge under 37 CFR 1.16(f). On November 10, 2010, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed December 16, 2010. In response, on December 28, 2010, the present petition was filed.

The renewed petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed declaration, including the surcharge of $130, (2) the petition fee of $1,620, (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 December 28, 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 Patent Application Processing (OPAP) for further processing using the declaration filed November 10, 2010.

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

/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
www.uspto.gov

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 TOWER BLVD.
SUITE 1200
DURHAM NC 27707

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Michael J. LONG	:	
Application No. 29/360,200	:	DECISION ON PETITION
Filed: April 21, 2010	:	
Attorney Docket No. 1775/3 DES	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 24, 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.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed February 02, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 03, 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)**.

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

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 TOWER BLVD.
SUITE 1200
DURHAM NC 27707

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Michael J. LONG	:	
Application No. 29/360,200	:	DECISION ON PETITION
Filed: April 21, 2010	:	
Attorney Docket No. 1775/3 DES	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 27, 2011, to revive the above-identified design 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 February 02, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 03, 2011.

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 reply to the Notice of Allowability, of February 02, 2011 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

7-12-2011

Patent No : D635260 S
Ser. No. : 29/360,222
Inventor(s) : Gitman
Issued : Mzrch 29, 2011

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

Ostrolenk Faber LLP
1180 Avenue of the Americas
New York, NY 10036-8403

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

OSTROLENK FABER LLP
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

MAILED
SEP 06 2011
OFFICE OF PETITIONS

In re Patent No. D635,260 :
Issue Date: March 29, 2011 :
Application No. 29/360,222 : ON PETITION
Filed: April 22, 2010 :
Attorney Docket No. D/826-40 :

This is a decision on the petition filed July 19, 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 **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. 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.

Shirene Willis Brantley
Senior Petitions Attorney
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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai et al. :
Application No. 29/360,298 : DECISION ON PETITION
Filed: April 22, 2010 :
Attorney Docket No. **US32048** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before February 28, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 30, 2010, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is March 1, 2011.

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 $990, (2) the petition fee of $1,860; 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.

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
WWW.USPTO.GOV

Paper No.

LAW OFFICE OF MARK WISNOSKY
3200 Fourth Avenue
Suite 203
SAN DIEGO CA 92103

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Margalit	:	
Application No. 29/360,328	:	DECISION ON PETITION
Filed: April 23, 2010	:	PURSUANT TO
Attorney Docket Number: 112196	:	37 C.F.R. § 1.137(A)
Title: SPORT TOWEL	:	

This is a decision on the petition submitted on May 26, 2011 pursuant to 37 C.F.R. § 1.137(a).

This petition is **DISMISSED.**

BACKGROUND

The above-identified application became abandoned for failure to submit corrected drawings and the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed February 10, 2011, 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 May 11, 2011. The issue fee, four sheets of corrected drawings, and form PTOL-85b were submitted to the Office on May 13, 2011. A Notice of Abandonment was mailed on May 26, 2011, on the same date on which this petition was filed.

RELEVANT PORTIONS OF THE C.F.R.

37 C.F.R. § 1.134: Time period for reply to an Office action:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant

1 See MPEP § 710.02(e)(III).
2 Id.

is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 CFR § 1.135: Abandonment for failure to reply within time period:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

ANALYSIS

A grantable petition pursuant to 37 C.F.R. § 1.137(a) 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(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, 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.

With this petition, Petitioner has included the petition fee and a one-paragraph statement of facts.

Requirements (1) and (2) of Rule 1.137(a) have been satisfied. Requirements (3) and (4) of Rule 1.137(a) have not been satisfied, as will now be pointed out.

Regarding the third requirement of Rule 1.137(a), Petitioner has asserted financial difficulty in that the Applicant lacked the

funds necessary to submit the issue fee in a timely manner. More specifically, Petitioner has alleged:

> "applicant inventor did not have funds available to pay the fees on the due date and therefore could not make the payment until the date actually paid."

First, this does not explain why the corrected drawings were not submitted in a timely manner.

Second, a showing of "unavoidable" delay based upon financial difficulty is very stringent, in that in order for a petitioner to demonstrate that he lacked the financial resources to pay the fee(s) associated with patent prosecution, substantial documentation must be provided. Such a showing must be supported by a **complete and thorough showing** of his financial condition during the entire period between May 10, 2011 and May 13, 2011, including income, expenses, tax return statements, bank records, assets, credit and obligations, which made the delay in payment of the $430 issue fee as well as the $270 fee associated with the filing of this petition unavoidable. Petitioner should provide copies of all documents or records pertaining to each of these so as to confirm the financial difficulty.

Petitioner is reminded that the period of delay with which he must be concerned is the entire period of delay in filing the required reply, from the due date for the reply up until the filing of a grantable petition.

Petitioner is cautioned to avoid submitting confidential information that may contribute to identity theft. Specifically, Petitioner should consider redacting social security, bank account, or credit card numbers from any documents submitted to the USPTO. This type of personal data is never required by the USPTO to support a petition or an application. Petitioner is advised that any information submitted may be disclosed, as a routine use, to the public after either publication of the application, unless a non-publication request is made in the application, or issuance of a patent. Further, a record may be disclosed, subject to the limitations of 37 C.F.R. §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.

If Petitioner has supplied papers which contain any of the above-identified confidential information that has not been redacted, Petitioner may provide a redacted copy of the same to the Office. If accompanied by a statement that the redacted

version is identical to the originally submitted copy, but for the redactions, the redacted copy will be placed into the file and the original copy will be destroyed.

Regarding the fourth requirement of Rule 1.137(a), Petitioner will note that the present application is a design application. As such, a terminal disclaimer and the associated fee are required. See 37 C.F.R §§ 1.137(a)(4) and (d).

CONCLUSION

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(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may submit a petition pursuant to 37 C.F.R. § 1.137(b).

Petitioner will note that a third option is to concurrently file both a renewed petition pursuant to Rule 1.137(a) and a petition pursuant to Rule 1.137(b). If the former petition is granted, the fee that is associated with the filing of the latter petition will be refunded to Petitioner.

Any subsequent filing pertaining to the abandonment of this application 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.

---

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[7]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

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

Paper No.

LAW OFFICE OF MARK WISNOSKY
3200 Fourth Avenue
Suite 203
SAN DIEGO CA 92103

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Margalit	:	
Application No. 29/360,328	:	DECISION ON PETITION
Filed: April 23, 2010	:	PURSUANT TO
Attorney Docket Number: 112196	:	37 C.F.R. § 1.137(B)
Title: SPORT TOWEL	:	

This is a decision on the petition submitted on July 20, 2011 pursuant to 37 C.F.R. § 1.137(b).

This petition is **GRANTED.**

The above-identified application became abandoned for failure to submit corrected drawings and the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed February 10, 2011, 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 May 11, 2011. The issue fee, four sheets of corrected drawings, and form PTOL-85b were submitted to the Office on May 13, 2011. A Notice of Abandonment was mailed on May 26, 2011, on the same date on which a petition pursuant to 37 C.F.R. § 1.137(a) was submitted.

Said petition was dismissed via the mailing of a decision on June 20, 2011.

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 See MPEP § 710.02(e)(III).
2 Id.

§ 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 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, the proper statement of unintentional delay, a terminal disclaimer, and the associated fee. As such, requirements one through four of Rule 1.137(b) have been met.

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.[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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATTERSON THUENTE CHRISTENSEN PEDERSEN PA
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

MAILED
MAY 13 2011
OFFICE OF PETITIONS

In re
Application No. 29/360,332
Filed: April 23, 2010
Attorney Docket No. 3156.340US01

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed April 4, 2011.

The fee deficiency submission under 37 CFR 1.28 of $295 is hereby accepted.

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

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

MAILED

OCT 25 2010

OFFICE OF PETITIONS

DIEHL SERVILLA LLC
33 WOOD AVE SOUTH
SECOND FLOOR, SUITE 210
ISELIN NJ 08830

In re Application of :
CARROLL, Todd R. et al. :
Application No. 29/360,434 : DECISION ON PETITION
Filed: April 26, 2010 : TO WITHDRAW
Attorney Docket No. **ANS0206D2CP2** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2010.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to DIEHL SERVILLA LLC has been revoked by the assignee of the patent application on September 30, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **MOSER IP LAW GROUP/ANSELL LIMITED**
1030 BROAD STREET, SUITE 203
SHREWSBURY NJ 07702

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 25 2010

OFFICE OF PETITIONS

DIEHL SERVILLA LLC
33 WOOD AVE SOUTH
SECOND FLOOR, SUITE 210
ISELIN NJ 08830

In re Application of :
CARROLL, Todd R. et al. :
Application No. 29/360,440 : DECISION ON PETITION
Filed: April 26, 2010 : TO WITHDRAW
Attorney Docket No. **ANS0206D1DV1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2010.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to DIEHL SERVILLA LLC has been revoked by the assignee of the patent application on September 30, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **MOSER IP LAW GROUP/ANSELL LIMITED**
1030 BROAD STREET, SUITE 203
SHREWSBURY, NJ 07702

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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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of :
Wu :
Application No.: 29/360,547 : ON PETITION
Filed: April 27, 2010 :
Attorney Docket No.: **191151.904** :

This is a decision on the petition filed September 10, 2010, requesting that the declaration under 37 CFR 1.63 be noted as having been received on July 7, 2010.

On April 27, 2010, the above-identified application was filed. On May 10, 2010, the Office of Patent Application Processing mailed a "Notice to File Missing Parts of Non-Provisional Application (the "Notice"), stating, in part, that the application had been accorded a filing date, but that several requirements were missing, most notably an executed declaration under 37 CFR 1.63. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice. On July 12, 2010, a Notice of Incomplete Reply was mailed indicating that the reply filed July 7, 2010, was incomplete because it did not include an executed declaration under 37 CFR 1.63. The period for reply remained as set forth in the Notice.

In response, on September 10, 2010, applicants filed the present petition and a copy of an Electronic Acknowledgement Receipt showing that, among other items a declaration under 37 CFR 1.63 was received on July 7, 2010.

Upon review of the record, the declaration under 37 CFR 1.63 was not located in the Image File Wrapper. However, the evidence is convincing that the papers filed July 7, 2010, included the executed declaration under 37 CFR 1.63 that was subsequently misplaced by the Office. Accordingly, the copy of the declaration filed September 10, 2010, is noted as having been received on July 7, 2010.

Accordingly, the petition is granted. The fee for the extension of time within the second month is being refunded.

The application file is being returned to the Office of Patent Application Processing for further processing with the indication that the executed declaration under 37 CFR 1.63 was filed on July 7, 2010, and was a timely response to the Notice to File Missing Parts of Non-Provisional Application mailed May 10, 2010. The Office of Patent Application Processing will also issue a filing receipt.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai et al. :
Application No. 29/360,628 : DECISION ON PETITION
Filed: April 29, 2010 :
Attorney Docket No. **US29993** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before January 3, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 1, 2010, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is January 4, 2011.

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 $990, (2) the petition fee of $1,860; 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.

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALTIS LAW GROUP, INC.
ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED

DEC 06 2011

OFFICE OF PETITIONS

In re Application of :
LAI, Chih-Ming et al. :
Application No. 29/360,629 : DECISION ON PETITION
Filed: April 29, 2010 :
Attorney Docket No. US29995 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 2011, to revive the above-identified design 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 January 14, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 14, 2010. Accordingly, the date of abandonment of this application is January 15, 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 $$990.00 issue fee and corrected formal drawings, (2) the petition fee of $$1,860.00, (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 January 14, 2011 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 Michelle R. Eason at (571) 272-4231.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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P.O. Box 1450
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Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai et al. :
Application No. 29/360,630 : DECISION ON PETITION
Filed: April 29, 2010 :
Attorney Docket No. **US29996** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before January 3, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 1, 2010, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is January 4, 2011.

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 $990, (2) the petition fee of $1,860; 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.

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

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ALTIS LAW GROUP, INC.
ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

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DEC 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Lai et al.	:	
Application No. 29/360,631	:	DECISION ON PETITION
Filed: April 29, 2010	:	
Attorney Docket No. US29998	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 30, 2011, 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 January 4, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 4, 2010. Accordingly, the date of abandonment of this application is January 5, 2011. A Notice of Abandonment was mailed January 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 payment of the issue fee of $990.00, (2) the petition fee of $1,860.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $160.00.

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.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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ALTIS LAW GROUP, INC.
ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED
FEB 15 2012
OFFICE OF PETITIONS

In re Application of	:	
LAI, et al	:	
Application No. 29/360,632	:	DECISION ON PETITION
Filed: April 29, 2010	:	
Attorney Docket No. US30004	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 2011, 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 January 14, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 14, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 15, 2011. A Notice of Abandonment was mailed February 2, 2011.

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 $990; (2) the petition fee of $1860; (3) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

The Terminal Disclaimer is accepted and has been made of record.

The Amendment filed with the petition has been approved by the examiner assigned to this application.

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 Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

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DEC 09 2011
OFFICE OF PETITIONS

In re Application of :
Lai et al. :
Application No. 29/360,726 : DECISION ON PETITION
Filed: April 30, 2010 :
Attorney Docket No. US30002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 30, 2011, 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 January 4, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 4, 2010. Accordingly, the date of abandonment of this application is January 5, 2011. A Notice of Abandonment was mailed January 21, 2011.

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 $990.00, (2) the petition fee of $1,860.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $160.00.

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.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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U.S. STEEL TOWER
600 GRANT STREET
PITTSBURGH PA 15219-2788

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Richard Heindl : DECISION REFUSING STATUS
Application Number: 29/360758 : UNDER 37 CFR 1.47(b)
Filing Date: 04/30/2010 :
Attorney Docket Number: 300617- :
00037 (WEIGEL 268) :

This is in response to the petition under 37 CFR 1.47(a) filed on October 11, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on April 30, 2010, without an executed oath or declaration. Accordingly, on May 21, 2010, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration.

In response, on October 11, 2010, petitioner filed a three (3) month extension of time, along with the present petition and petition fee.

Petitioner asserts that the non-signing inventor has refused to sign a copy of the declaration. In support, petitioner has provided a copy of a letter sent to Rule 47(b) applicant PilePro LLC's European attorney, Matthias Weigel, requesting that he obtain the inventor's signature on the declaration. Petitioner further asserts that the Rule 47(b) applicant has a proprietary interest via the employment agreement signed by the non-signing inventor, which states, in pertinent part, that "[i]t is further

agreed, that all designs, patents, utility models–collectively referred to as the Intellectual Property (IP) package continue to belong to the company or designed affiliate. For the sake of good order, employee agrees that he will not represent himself to be or hold himself out as the rightful Intellectual Property (IP) holder or entitlement in or to any of the commercialization revenues expect where so agreed in writing."

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

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest, and
(6) proof of irreparable damage.

The petition lacks items (1), (2), (4), and (6).

In regards to item (1), petitioners have not shown that a copy of the application as filed was sent or given to the non-signing inventor.

It is noted that the letter was sent to Matthias Weigel, the European attorney for the Rule 47(b) applicant, PilePro LLC. However, the showing of record is that while attorney Weigel represents the Rule 47(b) applicant, he does not appear to represent the non-signing inventor. As such petitioner must show that attorney Weigel, or petitioner's US attorney, sent the application papers to the inventor, or the inventor's counsel.

Petitioner may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in

writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

If an inventor(s) cannot be reached at his or her last known address, petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the efforts, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate that inventor, send or give a copy of the application papers to him or her, and request that he or she sign and return the declaration.

If repeated attempts to contact an inventor(s) by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that an inventor(s) cannot be found despite diligent efforts.

With regard to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer or chief executive officer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non- signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.[1]

In regards to item (6), petitioner must provide proof of irreparable damages in accordance with MPEP 409.03(g).

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

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450

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[1] MPEP 409.03(b).

Alexandria, VA 22313-1450

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

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 15 2011

OFFICE OF PETITIONS

ECKERT SEAMANS CHERIN & MELLOTT, LLC
U.S. STEEL TOWER
600 GRANT STREET
PITTSBURGH PA 15219-2788

In re Application of	:
Heindl Richard	: DECISION NOTING JOINDER
Application Number: 29/360758	: OF INVENTOR AND PETITION
Filing Date: 04/30/2010	: UNDER 37 CFR 1.47(b) MOOT
Attorney Docket Number: 300617-00037 (WEIGEL 268)	:

Papers filed on January 31, 2011, in response to the decision dismissing petition mailed on December 20, 2010, included a Declaration signed by the previously non-signing inventor, in compliance with 37 CFR 1.63.

The petition is **dismissed as moot**.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(b) is moot; this application does not have any rule 1.47(b) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(b).

This application will be referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE WEINTRAUB GROUP, P.L.C.
28580 Orchard Lake Road
Suite 140
Farmington Hills MI 48334

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of :
Stephen Graham and Christopher Meesey : DECISION GRANTING STATUS
Application No. 29/360,789 : UNDER 37 CFR 1.47(a)
Filed: April 30, 2010 :
Attorney Docket No.GOR-100-A-Design :
For: SAFETY HARNESS :

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 13, 2010.

The petition is **GRANTED.**

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

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

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

This application is being referred to Art Unit 2915 for further processing in the normal course of business.

Telephone inquiries regarding this decision 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
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Christopher Meesey
4776 E. Latoka Ct.
Springfield, MO 65809

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of
Stephen Graham and Christopher Meesey
Application No. 29/360,789
Filed: April 30, 2010
Attorney Docket No.GOR-100-A-Design
For: SAFETY HARNESS

Dear Sir:

You are named as a co- 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 co-inventor inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: THE WEINTRAUB GROUP, P.L.C.
28580 Orchard Lake Road
Suite 140
Farmington Hills MI 48334

Christopher Meesey, c/o Gorilla Inc., 3475 Eastman Drive, Flushing, MI 48433

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HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E. HARMONY ROAD
MAIL STOP 35
FORT COLLINS CO 80528

MAILED
DEC 13 2011
OFFICE OF PETITIONS

In re Application of	:	
WONG, et al	:	
Application No. 29/360,876	:	DECISION ON PETITION
Filed: April 30, 2010	:	
Attorney Docket No. 8226139	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to submit replacement drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed June 15, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 16, 2011. A Notice of Abandonment was mailed September 30, 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 issue fee and replacement drawings; (2) the petition fee of $1860; (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 filed with the petition dated October 25, 2011, have been referred to the Patent Publication Branch.

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 Patent Publication Branch for processing into a patent.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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JOSEPH CURTIS EDMONDSON
15490 NW OAK HILLS DR
BEAVERTON OR 97006

MAILED
JUL 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Bryman et al.	:	
Application Number: 29/360,882	:	ON PETITION
Filing Date: 05/02/2010	:	
Attorney Docket Number: SAS 2.001.DES	:	

This is a decision on the petition filed on June 7, 2011, under 37 CFR 1.137(a), 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(a)" or, as discussed below, "Petition under 37 CFR 1.137(b)."

The application became abandoned on May 18, 2011, for failure to timely submit corrected drawings in response to the Notice of Allowability For A Design Application mailed on February 17, 2011, which set a three (3) statutory period for reply. Notice of Abandonment was mailed on June 6, 2011.

Petitioner states:

> Applicant's counsel midocketed the response to correct the drawings. Applicant's counsel had two cases in front of examiner Pandozzi 29/368,033 (which required no corrected drawings) and this case (which required drawings).

> When the abandonment notice was received, an immediate request was made to the patent draftsman, and corrected drawings were prepared, and this reply was filed the same day.
>
> This failure to respond was not made in bad faith or for the purpose of delay. The issue fee was previously paid.

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. 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. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(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(c)).

The petition lacks items (3) and (4).

With regard to item (3), the Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable".[1] 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

[1] 35 U.S.C. § 133.

> 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.[2]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[5] 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, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

A delay resulting from an error (*e.g.*, a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

(1) the error was the cause of the delay at issue;

(2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance;

(3) and the employee was sufficiently trained and experienced with regard to the function and routine for its

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[2] 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).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

performance that reliance upon such employee represented the exercise of due care.[4]

An adequate showing requires:

(A) Statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them.

(B) Petitioner must supply a thorough explanation of the docketing and call-up system in use and must identify the type of records kept and the person responsible for the maintenance of the system. This showing must include copies of mail ledgers, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing, and include an indication as to why the system failed to provide adequate notice that a reply was due.

(C) Petitioner must supply information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

The present petition lacks the showing required by (1), (2), and (3) above.

At the outset, petitioner must explain whether act or omission resulting in the misdocketing was done by an employee of counsel, or by petitioner's registered patent practitioner himself. If the error was that of counsel's employee, petitioner must provide a statement from said employee, explaining the circumstances surrounding the error and why the error occurred: petitioners must provide statements from any of the persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them.

Further, if the error was made by a clerical employee of counsel, petitioners must supply information regarding the training provided to the personnel responsible for the clerical error, a showing of the steps in place to ensure work was properly completed, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

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[4] See MPEP 711.03(c)(III)(C)(2).

In summary, insufficient evidence has been proffered to show that the error in this case is a clerical error by a reliable and trusted employee.

On the other hand, if the error which led to the failure to timely submit the replacement drawings was made by counsel himself, such error would not be considered a clerical error, but rather a mistake on the part of counsel.

The U.S. Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions.[5] Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133.[6]

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.[7] A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.[8]

As the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Thus, the petition will be dismissed.

REQUIREMENT FOR TERMINAL DISCLAIMER

In regards to item (4) above, a terminal disclaimer and the fee set forth at § 1.20(d) is required to be filed with a grantable

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[5] Link v. Wabash, 370 U.S. 626, 633-34 (1962).

[6] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N. D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

[7] Id.

[8] See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994)(while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

petition to revive a design application. A copy of the terminal disclaimer form is included with this decision.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. 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. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(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 required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot 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 petitioner 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
P.O. Box 1450
Alexandria, VA 22313-1450

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

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

A reply may also be filed by EFS-Web.

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

Encl: Form PTO/SB/63
Form 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
www.uspto.gov

Joseph Curtis Edmondson
15490 NW Oak Hills Dr
Beaverton OR 97006

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of :
Jill K. Bryman et al. :
Application No. 29/360,882 :
Filed: May 2, 2010 :
Attorney Docket No. SAS 2.001 DES :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 8, 2011, 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 February 17, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 18, 2011. A Notice of Abandonment was mailed on June 6, 2011.

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). Accordingly, the corrected 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 A. Inabinet/

Kimberly A. 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

ALTIS LAW GROUP, INC.
ATTN : STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

MAILED

NOV 17 2011

OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai et al :
Application No. 29/361,060 : ON PETITION
Filed: May 5, 2010 :
Attorney Docket No. US33098 :

This is a decision on the petition filed October 31, 2011 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 issue fee in a timely manner in reply to the Notice of Allowance mailed October 14, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 15, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee; (2) the petition fee; (3) the required statement of unintentional delay and (4) terminal disclaimer have been 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/09/11

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29361125 Patent No.: D649018

CofC mailroom date: 12/01/11

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 changes in the drawings be approved?**

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

XX 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/ _2915_

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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ALTIS LAW GROUP, INC.
ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Lai et al.	:	
Application No. 29/361,129	:	DECISION ON PETITION
Filed: May 5, 2010	:	
Attorney Docket No. US33096	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 30, 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.

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 Commissioner 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 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.

Petitioner has submitted a terminal disclaimer naming Foxsemicon Integrated Technology, Inc. as assignee of 100 percent interest. A review of USPTO records reveals no record of an assignment in the above-identified application. Therefore, the terminal disclaimer submitted

October 30, 2011 is improper.

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

Telephone inquiries 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALTIS LAW GROUP, INC.
ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of
Lai et al.
Application No. 29/361,129
Filed: May 5, 2010
Attorney Docket No. US33096

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 2011, 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 January 21, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 21, 2010. Accordingly, the date of abandonment of this application is January 24, 2011. A Notice of Abandonment was mailed February 7, 2011.

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 $990.00, (2) the petition fee of $1,860.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $160.00.

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.

/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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BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH CA 90740-1515

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of :
Timothy M. Jones, et al. :
Application No. 29/361,203 : DECISION ON PETITION
Filed: May 6, 2010 :
Attorney Docket No. 09-0512-US-DP :

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 non-final Office action mailed, July 8, 2010, 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 October 9, 2010. The Notice of Abandonment was mailed January 18, 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 terminal disclaimer and fee as required by 37 CFR 1.137(d), and (4) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,110 extension of time fee submitted with the petition on $February 2, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

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.

/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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BEESON SKINNER BEVERLY, LLP
ONE KAISER PLAZA
SUITE 750
OAKLAND, CA 94612

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of :
John Timothy Hickok et al :
Application No. 29/361,265 : ON PETITION
Filed: May 7, 2010 :
Attorney Docket No. D202N-144.B-D :

This is a decision on the petition under 37 CFR 1.137(b), filed April 28, 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** 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(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 lacks item (1).

The application became abandoned for failure to timely pay the issue fee on or before February 12, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 12, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 13, 2011.

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
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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED
JUL 11 2011
OFFICE OF PETITIONS

BEESON SKINNER BEVERLY LLP
ONE KAISER PLAZA
SUITE 750
OAKLAND, CA 94612

In re Application of :
John Timothy Hickok et al :
Application No. 29/361,265 : ON PETITION
Filed: May 7, 2010 :
Attorney Docket No. D202N-144.B-D :

This is a decision on the petition filed June 14, 2011 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 Issue fee in a timely manner in reply to the Notice of Allowance mailed November 12, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 13, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee; (2) the petition fee; (3) the required statement of unintentional delay; and (4) terminal disclaimer have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

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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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In re Application of
Roddy Burgess, et al.
Application No. 29/361,330
Filed: May 10, 2010
Attorney Docket No.: 021345-000108

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 11, 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 review of the record discloses that a Notice of Allowance was mailed on August 9, 2010. On November 4, 2010, applicant filed a Request for Continued Examination under 37 CFR 1.114 (RCE); however, the RCE was considered improper since continued examination under 37 CFR 1.114 dose not apply to a design application. Consequently, the application became abandoned on November 10, 2010 for a failure to pay the issue fee. On November 11, 2010 the present petition was filed, along with application papers which appear to be intended as a new continuation application. A Notice of Abandonment was subsequently mailed on December 17, 2010.

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 (1) and (4) above.

As to item (1) In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply under 37 CFR 1.137(b) must be the payment of the issue fee or any outstanding balance thereof.

Petitioner should also note that the application papers filed on November 11, 2010 did not result in a new filing under 37 CFR 1.53, as the application papers were electronically filed in the present application.

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 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. A terminal disclaimer fee of $140 ($70 if small entity) is required. 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]

[2] 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) 272-3204.

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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MAILED

MAR 10 2011

OFFICE OF PETITIONS

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

In re Application of
Roddy Burgess, et al.
Application No. 29/361,330
Filed: May 10, 2010
Attorney Docket No. 021345-000108

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 27, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

A review of the record discloses that the application became abandoned for failure to timely pay the issue fee on or before November 9, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 9, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 10, 2010. It is noted that a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on November 4, 2010; however, the RCE was held improper, by a Notice mailed November 8, 2010, because continued examination under 37 CFR 1.114 does not apply to design applications. On November 11, 2010, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed January 5, 2011. On January 27, 2011, the present petition was filed, including a Continued Prosecution Application (CPA) Request and a Terminal Disclaimer.

The renewed 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 $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 failure to timely pay the issue fee as required by the Notice of August 9, 2010 is accepted as being unintentionally delayed.

Petitioner is reminded that the issue fee paid on January 27, 2011 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance resulting from the CPA filed January 27, 2011.

The terminal disclaimer filed January 27, 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.

In view of this decision, the application is being returned to Technology Center 2915 for further processing of the CPA filed on January 27, 2011.

As the following fees were not required or paid in excess, they are being refunded in the form of a credit to counsel's deposit account:

(1) the improper RCE filing fee of $810 paid on November 4, 2010, and
(2) the petition fee of $1,620 submitted with the renewed petition on January 27, 2011.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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SHUTTLEWORTH & INGERSOLL, P.L.C.
115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS IA 52406

MAILED

OCT 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Anthony Kriz	:	DECISION GRANTING PETITION
Application No. 29/361,537	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: May 12, 2010	:	
Attorney Docket No. 17157-0018	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed October 26, 2010, 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 October 21, 2010 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 October 26, 2010.

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This matter is being referred to Technology Center AU 2915 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS IA 52406

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
Anthony Kriz et al. :
Application No. 29/361,537 : NOTICE
Filed: May 12, 2010 :
Attorney Docket No. **17157-0018** :

This is a notice regarding your request filed October 17, 2011, and supplemented on November 17, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of James C. Nemmers 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. If, James C. Nemmers desires to be acknowledged as the attorney of record in this file, the appropriate power of attorney documents must be submitted.

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 application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
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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11/25/2011

Patent No. :D634403
Ser. No. :29/361620
Inventor(s) :Brian G. Thornton
Issued :3/15/11
Title :Faucet
Docket No. :

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 mater, 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(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: (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.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

Richard J. Veltman
Tw-199
701 E. Joppa Road
Towson, Maryland 21286

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent No. : D634,404 S
Ser. No. : 29/361,631
Inventor(s) : Thornton
Issued : Mar. 15, 2011
Title : FAUCET
Docket No. : 6620-25
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:

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By hand: Customer Service Window
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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

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LANIER FORD SHAVER & PAYNE P.C.
P O BOX 2087
HUNTSVILLE AL 35804-2087

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MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Teresa P. Carroll :
Application No. 29/361,705 : ON PETITION
Filed: May 13, 2010 :
Attorney Docket No. 00-0683.29 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 4, 2011, to revive the above-identified design 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 October 6, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 7, 2011. The Notice of Abandonment was mailed January 25, 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 $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.

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 issuing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of
Chiu-Yun Huang
Application No. 29/361,761
Filed: May 14, 2010
Attorney Docket No.
2450/2130PUS1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 25, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit corrected formal drawings on or before April 5, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed January 5, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 6, 2011. A Notice of Abandonment was mailed on April 20, 2011.

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 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.

The drawings have been approved by the USPTO draftsperson.

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

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Alexandria, VA 22313-1450
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RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of :
ISHIWATA :
Application No. 29/361,781 :
Filed: May 14, 2010 :
Attorney Docket No. YUA 101 :

DECISION
ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 2011.

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 January 3, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on April 5, 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(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).

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

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RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

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SEP 26 2011

OFFICE OF PETITIONS

In re Application of :
ISHIWATA :
Application No. 29/361,781 : DECISION ON PETITION
Filed: May 14, 2010 :
Attorney Docket No. YUA 101 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 14, 2011, 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 April 4, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed January 3, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 5, 2011. A Notice of Abandonment was mailed May 2, 2011.

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.

The Office acknowledges the extension of time filed with the renewed petition.

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

MAR 24 2011

OFFICE OF PETITIONS

STAINBROOK & STAINBROOK, LLP
412 AVIATION BOULEVARD
SUITE H
SANTA ROSA CA 95403

In re Application of
Peter Wardenburg
Application No. 29/361,817
Filed: May 14, 2010
Attorney Docket Number: 00093.P7D

ON PETITION

This is a decision on the petition, filed February 10, 2011 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned January 5, 2011 for failure to file corrected drawings in response to the Notice of Allowability mailed on October 4, 2010. Accordingly, the Notice of Abandonment was mailed on January 18, 2011.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer, having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. 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.

(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 Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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STAINBROOK & STAINBROOK, LLP
412 AVIATION BOULEVARD
SUITE H
SANTA ROSA CA 95403

MAILED

FEB 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Peter Wardenburg	:	
Application No. 29/361,818	:	DECISION ON PETITION
Filed:May 14, 2010	:	
Attorney Docket No. 00093.P8D	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 30, 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 October 26, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 26, 2010. Accordingly, the date of abandonment of this application is October 27, 2010. A Notice of Abandonment was mailed November 8, 2010.

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 and required $70.00 fee.

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 with the instant petition.

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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ALTIS LAW GROUP, INC.
ATTN : STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

MAILED
NOV 17 2011
OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai et al :
Application No. 29/361,842 : ON PETITION
Filed: May 17, 2010 :
Attorney Docket No. US32791 :

This is a decision on the petition filed October 31, 2011 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 issue fee in a timely manner in reply to the Notice of Allowance mailed October 4, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 5, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee; (2) the petition fee; (3) the required statement of unintentional delay and (4) terminal disclaimer have been 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

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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ALTIS LAW GROUP, INC.
ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

MAILED
NOV 17 2011
OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai, et al. :
Application No. 29/361,843 : DECISION ON PETITION
Filed: May 17, 2010 :
Attorney Docket No. US32794 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 31, 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 29, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 29, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 30, 2011. A Notice of Abandonment was mailed on February 15, 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 $990 issue fee, (2) the petition fee of $1860, (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.

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

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

MAILED

NOV 15 2011

OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai, et. al. :
Application No. 29/361,845 : DECISION ON PETITION
Filed: May 17, 2010 :
Attorney Docket No. US32996 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 30, 2011, to revive the above-identified application.

The application became abandoned for failure to file a timely reply to the Notice of Allowance and Fee(s) Due mailed October 29, 2010. A Notice of Abandonment was mailed on February 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $990 for payment of the issue; (2) the petition fee of $1,860; (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). Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed October 30, 2011, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Marc Zemel :
Application No. 29/361,853 : DECISION ON PETITION
Filed: May 17, 2010 : TO WITHDRAW FROM
Attorney Docket No. 10-5996 : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed March 9, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time[1].

[1] The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82).

In view of the above, all future communications from the Office will continue to be directed to the above-listed address unless otherwise notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Mr. Bar-B-Q-, Inc.
445 Winding Road
Old Bethpage, NY 11804

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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NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

MAILED

MAY 11 2011

OFFICE OF PETITIONS

In re Application of :
Marc Zemel :
Application No. 29/361,853 : DECISION ON PETITION
Filed: May 17, 2010 : TO WITHDRAW FROM
Attorney Docket No. 10-5996 : RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed April 14, 2011.

The request is **APPROVED**.

The request was signed by Seth Natter on behalf of himself and all attorneys/agents associated with Customer Number 28143. Therefore, Seth Natter and all the attorneys/agents associated with Customer Number 28143 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed on November 29, 2010 that requires a reply from the applicant.

All future communications from the Office will be directed to the sole inventor at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Marc Zemel
c/o Mr. Bar-B-Q-, Inc.
445 Winding Road
Old Bethpage, NY 11804

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
29/361,853	05/17/2010	Marc Zemel	10-5996

CONFIRMATION NO. 1954

28143
NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

POWER OF ATTORNEY NOTICE

OC000000047606190

Date Mailed: 05/11/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/14/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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GARCIA-ZAMOR INTELLECTUAL PROPERTY LAW
ATTN: RUY GARCIA-ZAMOR
12960 LINDEN CHURCH ROAD
CLARKSVILLE MD 21029

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Suny Chung :
Application No. 29/361,863 : DECISION ON PETITION
Filed: May 17, 2010 :
Attorney Docket No. WPI-PT040 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 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 on or before April 21, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed January 21, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 22 Notice of Abandonment was mailed on May 6, 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 $860 issue fee, (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 failure to timely pay the issue fee 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.

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 further processing in accordance with this decision on petition.

/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

Edgar A. Zarins
Masco Corporation
21001 Van Born Road
Taylor MI 48180

APR 26 2011

In re Application of
ROMERO, EMILIE WILLIAMS :
Application No.: 29/362,203 : DECISION ON
Filing or 371(c) Date: May 21, 2011 : PETITION
Attorney Docket Number: 115-4279-D :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on April 15, 2011.

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 (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed December 9, 2011. The Notice of Abandonment was mailed March 30, 2011.

The Office acknowledges receipt of Part B – Fee(s) Transmittal on March 2, 2011, as evidenced by the "Office Date" stamp thereon. However, without the inclusion of the Deposit Account Number on the form there was no authorization to charge the required fees.

As an additional aid to applicants, the rule as proposed has been amended to include §§ 1.311(b)(1) and (b)(2) that can act as safety mechanisms. Where it is clear that an applicant actually intends to pay the issue fee and publication fee (if required) such as by submitting an incorrect issue fee or publication fee, or a fee transmittal form (or letter) for payment of the fees, a request to charge the correct issue fee or any publication fee due to any deposit account identified in a previously filed authorization to charge **such** fees, will be allowed to act a payment of the correct issue fee.

Petitioner should review the amended rules pertaining to general authorization to pay fees. See 65 FR 54647 September 8, 2000, revised 69 FR 56481 September 21, 2004, effective September 21, 2004. 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 inquires with respect to filing a petition under 37 CFR § 1.137 may 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 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

EDGAR A. ZARINS
MASCO CORPORATION
21001 VAN BORN ROAD
TAYLOR MI 48180

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Emilie Williams ROMERO	:	
Application No. 29/362,203	:	DECISION ON PETITION
Filed: May 21, 2010	:	
Attorney Docket No. 115-4279-D	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 27, 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.

The application became abandoned for failure to timely pay the issue fee on or before March 09, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 09, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 10, 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)**.

With respect to item (4), since the instant application is a design application, a terminal disclaimer and the large entity fee of $140.00 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
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EDGAR A. ZARINS
MASCO CORPORATION
21001 VAN BORN ROAD
TAYLOR MI 48180

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of :
Emilie Williams ROMERO :
Application No. 29/362,203 : DECISION ON PETITION
Filed: May 21, 2010 :
Attorney Docket No. 115-4279-D :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 01, 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 March 09, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 09, 2010. Accordingly, the date of abandonment of this application is March 10, 2011.

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 $860.00, (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 issue fee 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 the Office of Data Management.

/Michelle R. Eason/
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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NELSON MULLINS RILEY & SCARBOROUGH LLP
IP DEPARTMENT
100 NORTH TRYON STREET
42ND FLOOR
CHARLOTTE NC 28202-4000

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Ian Lyle Gresham et al	:	
Application No. 29/362,261	:	DECISION ON PETITION
Filed: May 21, 2010	:	
Attorney Docket No. 17745/09426(2)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 21, 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 the issue fee and a 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 mailed November 10, 2010, 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 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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NELSON MULLINS & SCARBOROUGH LLP
IP DEPARTMENT
100 NORTH TRYON STREET
42ND FLOOR
CHARLOTTE NC 28202-4000

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Ian Lyle Gresham et al	:	DECISION GRANTING PETITION
Application No. 29/362,261	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: May 21, 2010	:	
Attorney Docket No. 17745/09426(2)	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed February 24, 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 February 21, 2011 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 24, 2011.

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

This matter is being referred to Technology Center AU 2915 for processing of the CPA and consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/03/11

TO SPE OF : ART UNIT: 2913 Attn: VEYNAR CARON D (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/362275 Patent No.: D641135

CofC mailroom date: 10/06/2011

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: Please check the Drawing Description of FIG. 3 Should this be corrected or not

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

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: _____

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
www.uspto.gov

PHILIP H. BURRUS, IV
460 GRANT STREET
ATLANTA, GA 30312

MAILED
NOV 15 2010
OFFICE OF PETITIONS

In re Application of :
Jennifer E. Tomes, et al. : DECISION GRANTING PETITION
Application No. 29/362,279 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: May 21, 2010 :
Attorney Docket No. BPMDL006JT.C1.D1 :
(10056D

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 10, 2010, 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 November 10, 2010 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 November 10, 2010.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement (IDS).

/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
www.uspto.gov

MAILED

FEB 17 2011

OFFICE OF PETITIONS

OSRAM SYLVANIA INC
100 ENDICOTT STREET
DANVERS, MA 01923

In re Application of
Valeriy Zolotykh, et al.
Application No. 29/362,307
Filed: May 25, 2010
Attorney Docket No.: 2010M13919US

ON PETITION

This is a decision in response to the petition, filed December 14, 2010, to revive the above-identified design application under 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for a failure to timely pay the issue fee on or before December 13, 2010, as required by the Notice of Allowance and Fee(s) Due mailed September 13, 2010. A Notice of Abandonment was subsequently mailed on December 16, 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 $860, (2) the petition fee of $1,620, (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 December 14, 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 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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WONG, CABELLO, LUTSCH,
RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Patent No. D634,605 :
Miguel Guimaraes :
Application No. 29/362,308 : DECISION ON PETITION
Filed: May 24, 2010 :
Attorney Docket No. :
968-0016US :

This is a decision on the REQUEST UNDER 37 C.F.R. § 1.55 FOR LATE SUBMISSION OF PRIORITY DOCUMENT, filed November 15, 2011, which is properly treated as a petition under 37 CFR 1.55(a)(2) for entry of priority papers submitted after the date the issue fee was paid and request for certificate of correction.

The petition is **DISMISSED**.

Under the rule (37 CFR 1.55), an applicant who wishes to secure the right of priority must comply with certain formal requirements within a specified time. If these requirements are not complied with, the right of priority is lost and cannot thereafter be asserted.

Specifically, the requirements of the rule are (a) that the applicant must file a claim for the right and (b) he or she must also file a certified copy of the original foreign application, and (c) these papers must be filed within a certain time limit. The maximum time limit specified in the rule is that the claim for priority and the priority papers must both be filed before the patent is granted. *See* 37 CFR 1.55(a)(2). If the required papers are not filed within the time limit set, the right of priority is lost. As the record presently discloses that the certified copy of the priority document was not filed in the application either during prosecution or prior to issuance of the

application into a patent, the right of priority to the foreign patent application is lost.

With respect to the concurrently filed request for Certificate of Correction, a claim to foreign priority benefits cannot be perfected via a Certificate of Correction if the requirements of 35 U.S.C. § 119 and 37 CFR 1.55 have not been satisfied in the patented application or, if applicable, its parent. *See* In re Van Esdonk , 187 USPQ 671 (Comm'r. Pat.1975). As such, the request for a Certificate of Correction must be dismissed. *See* MPEP § 201.16.

However, a reissue was granted in Brenner v. State of Israel , 400 F.2d 789; 158 USPQ 584 (D.C. Cir. 1968), where the only ground urged was applicant's failure to file the certified copy of the original foreign application under 35 U.S.C. § 119 before the patent was granted. Under the circumstances of this case, petitioner may wish to seek relief from his predicament by way of reissue under 35 USC § 251. Id. *See* also 65 F.R. 57024 (Sept. 2000) MPEP §§ 201.16, 1402 (and 1457 on Design Reissue Applications).

The petition fee is not being refunded, since the petition has been considered, notwithstanding the decision. See Ex parte VENTURA CITRUS ASSOCIATION, 71 USPQ 103, 104 (Comm'r Pat. 1946).

The $100.00 fee for the Request for Certificate of Correction is unnecessary. As such, $100.00 has been credited to Deposit Account No. 50-1922.

Any questions concerning this matter may 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

Green Mountain Innovations LLC
P.O.Box 248
Williston VT 05495

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of
Monette-Owens
Application No. 29/362,344
Filed: May 24, 2010
Attorney Docket No. Monette-Owens Des 5-24-10

ON PETITION

The above-identified application has been referred to the Office of Petitions in connection with the submission filed June 8, 2010. This matter is being treated as a petition pursuant to 37 CFR 1.181.

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.

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. Accordingly, treatment on the merits of the petition under 37 CFR 1.181 is not forthcoming.

Any request for reconsideration of the matter must be properly signed in accordance with 37 CFR 1.33(b).

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
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Green Mountain Innovations LLC
P.O.Box 248
Williston VT 05495

MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application of :
Monette-Owens :
Application No. 29/362,344 : ON PETITION
Filed: May 24, 2010 :
Attorney Docket No. Monette-Owens Des 5-24-10 :

The above-identified application has been referred to the Office of Petitions in connection with the submission filed January 14, 2011. This matter is being treated under 37 CFR 1.181 as a petition with withdraw the holding of abandonment.

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." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned August 3, 2010 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed June 2, 2010. The Notice required the submission of an executed oath or declaration and surcharge for its late submission. The Notice set a two month shortened statutory period of time for reply. An incomplete reply, including petition, was filed June 8, 2010. This decision precedes Notice of Abandonment.

Petitioner argues that the application as filed included an executed declaration. Petitioners on June 8, 2010 supplied a copy of declaration and requested waiver of the surcharge requirement.

Petitioner's arguments have been carefully considered, but are not found persuasive. A review of the record reveals that the application, as filed, did not include an executed oath or declaration. Accordingly, notice to this effect was properly mailed on June 2, 2010. As to petitioner's contention that the acknowledgment receipt establishes the receipt of an executed declaration on May 24, 2010, petitioner is advised that the document labeled "OATH" uploaded by applicant was actually the specification.

As the time period for submission of a proper reply to the Notice has expired, the application stands abandoned as a matter of law.

ALTERNATE VENUE

Petitioner may wish to consider filing 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 the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee.

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 cannot make a statement that the delay was unintentional unless the entire delay, including 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 petitioner 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
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.

This application is being forwarded to the Office of Patent Application Processing for mailing of a Notice of Abandonment.

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

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Green Mountain Innovations LLC
P.O.Box 248
Williston VT 05495

MAILED
MAY 17 2011
OFFICE OF PETITIONS

In re Application of :
Monette-Owens :
Application No. 29/362,344 : ON PETITION
Filed: May 24, 2010 :
Attorney Docket No. Monette-Owens Des 5-24-10 :

This decision is in response to the petition renewed under 37 CFR 1.137(b), filed April 12, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned August 3, 2010 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed June 2, 2010. The Notice required the submission of an executed oath or declaration and surcharge for its late submission. The Notice set a two month shortened statutory period of time for reply. An incomplete reply, including petition, was filed June 8, 2010. This decision precedes Notice of Abandonment.

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 Patent Application Processing 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

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P.O. Box 1450
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GD MIDEA HOLDING CO., LTD.
Room 813,
Goldfield Industrial Center,
1 Shui Wo Road
Fotan, New Territories HK HONG KONG

APR 19 2011

In re Application of
ZHOU, YUAN et al. :
Application No.: 29/362,452 : DECISION ON
Filing or 371(c) Date: May 25, 2010 : PETITION
Attorney Docket Number: 32587 :

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on March 18, 2011.

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 October 5, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on January 19, 2011.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on October 18, 2010. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. As authorized, the issue fee of $860.00 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 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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February 1, 2011

Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

In re Application of	:	
Fabrice Renault	:	**DECISION ON PETITION**
Application No. 29362587	:	
Filed: 05/27/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **RENAULT=3**	:	***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) May 25, 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.

/Laura Feldman/
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.
29/362,587	05/27/2010	Fabrice RENAULT	RENAULT=3	7676

7590 02/02/2011

Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington, DC 20006

EXAMINER	
MURPHY, AUSTIN	
ART UNIT	PAPER NUMBER
2911	
MAIL DATE	DELIVERY MODE
02/02/2011	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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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SHUTTLEWORTH & INGERSOLL, P.L.C.
115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS IA 52406

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
Brent Christopher :
Application No. 29/362,607 : NOTICE
Filed: May 7, 2010 :
Attorney Docket No. **17157-0023** :

This is a notice regarding your request filed October 17, 2011, and supplemented on November 17, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent 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) 272-4584.

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

Stites & Harbison PLLC
1199 North Fairfax Street
Ste. 900
Alexandria, Virginia 22314

MAILED
JUN 02 2011
OFFICE OF PETITIONS

In re Application of :
BUENO DE MORAIS et al. : ON PETITION
Application No. 29/362,690 :
Filed: 28 May 2010 :
Atty. Docket No.: P10076US00/BAS :

This is in response to the petition under 37 CFR 1.47(a), filed 10 January 2011.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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

> (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);
> (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116;
> (3) the petition fee; and
> (4) a statement of the last known address of the non-signing inventor.

The instant petition lack items (1).

Item (1) requires that a "diligent effort" be expended in attempting to find or reach the non-signing inventor (35 U.S.C. § 116) (*see also,* MPEP 409.03(a)). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was

made to find or locate non-signing inventor Erika Marins Freitas de Andrade. Notably, petitioner fails to show that Ms. Freitas de Andrade was not available via online searching. Additional evidence should include whether petitioner has access to the inventor's personnel record, and, if so, what does inspection of the record reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to the unsigning inventor's address, return receipts requested, along with a cover letter of instructions which includes a deadline. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort. The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

The declaration by Kassia Reis De Paula states (see item 3) that inventor Andrade's boss indicated that she would not be signing the oath/declaration. However, in view of one of the emails included with the petition, that stated "Erika was not working with us any longer," it is unclear whether the person being referred to as Inventor Andrade's boss is really her boss. Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 application that an omitted inventor's conduct constitutes a refusal, all facts upon which that a conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The statements of facts must be signed by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statements of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

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.**

General inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).

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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LAW OFFICES OF ROBERT F ZIELINSKI LLC
404 SOUTH 16TH STREET
PHILADELPHIA PA 19146

MAILED
MAY 13 2011
OFFICE OF PETITIONS

In re Application of :
Shah :
Application No. 29/362,698 : ON PETITION
Filed: May 28, 2010 :
Attorney Docket No. STU-20040 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 14, 2011.

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

The above-identified application became abandoned for failure to timely file a complete reply in response to the Notice to File Missing Parts of Nonprovisional Application, mailed June 10, 2010. This Notice set an extendable period for reply of two (2) months for applicant to submit an oath or declaration, together with the surcharge for its late filing. No reply having been received, the application became abandoned on August 11, 2010. The Office mailed a Notice of Abandonment on March 1, 2011.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, filed a terminal disclaimer, and submitted the required reply in the form of a declaration and surcharge.

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

Telephone inquiries related to 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

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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Patricia J. HILL :
Application No. 29/362,781 :
Filed: May 30, 2010 :
Attorney Docket No. **4285-107D** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 2, 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 request was signed by Steven J. Hultquist on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **PATRICIA J. HILL**
330 EAST 38TH STREET, SUITE 55B
NEW YORK, NY 10016

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

MAILED

NOV 0 8 2010

OFFICE OF PETITIONS

In re Application of :
Vincent J. DeSanto :
Application No. 29/362,812 :
Filed: June 1, 2010 :
Attorney Docket No. **K019 P02062-US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed September 22, 2010 and supplemented on October 14, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Statement under 37 CFR 3.73(b) with the current assignee information of record submitted on October 14, 2010, lacks the title of the person who is authorized to act on behalf of the assignee. Therefore, the Statement under 37 CFR 3.73(b) is deemed unacceptable and the Office cannot approve the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

MAILED
DEC 0 1 2010
OFFICE OF PETITIONS

In re Application of :
Vincent J. DeSanto :
Application No. 29/362,812 :
Filed: June 1, 2010 :
Attorney Docket No. **K019 P02062-US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 12, 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 to 37 CFR 10.40.

The request was signed by Joshua A. Stockwell on behalf of all attorneys of record who are associated with Customer Number 03017.

All attorneys/agents associated with Customer Number 03017 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

It is noted that the Assignee's Statement Under 37 CFR 3.73(b) list the assignee as "Kenney Manufacturing Co., a corporation". However, the U.S. Patent and Trademark Office assignment records disclose that an assignment from Reel/Frame: 024470/0156 recorded on June 2, 2010, shows the name as "Kenney Manufacturing Co., a Rhode Island Corporation" not "Kenney Manufacturing Co, a Corporation". Therefore, the Office will construe the name "Kenney Manufacturing Co, a Corporation" as the assignee of record. If this is not correct petitioner must notify the Office.

The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Kenny Manufacturing Co.
1000 Jefferson Blvd.
Warwick, RI 02886

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/362,812	06/01/2010	Vincent J. DeSanto	K019 P02062-US

CONFIRMATION NO. 1909

3017
BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE, RI 02903

POWER OF ATTORNEY NOTICE

OC000000044741392

Date Mailed: 12/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/12/2010.

- 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.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Hsueh-Chen Chang et al. :
Application No. 29/362,907 : DECISION ON PETITION
Filed: June 2, 2010 :
Attorney Docket No. **US30294** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before April 25, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed January 25, 2011, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is April 26, 2011.

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 $990, (2) the petition fee of $1,860; 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.

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

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Alexandria, VA 22313-1450
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Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED

DEC 02 2011

OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai et al. :
Application No. 29/362,990 : DECISION ON PETITION
Filed: June 3, 2010 :
Attorney Docket No. **US29006** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 2011, 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 September 16, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 16, 2009. Accordingly, the date of abandonment of this application is September 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 payment of the issue fee of $990, (2) the petition fee of $1,860; 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.

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

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Alexandria, VA 22313-1450
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FAEGRE BAKER DANIELS LLP-POLARIS
300 N. MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of
Richard E. Eck, et al.
Application No. 29/363,037
Filed: June 3, 2010
Attorney Docket No.: PLR-02-24350.01P

ON PETITION

This is a decision on the petition, filed December 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 submit corrected drawings in reply to the Notice of Allowance and Notice of Allowability, mailed September 14, 2011, which set a statutory period for reply of three (3) months. Accordingly, this application became abandoned on December 15, 2011. On December 19, 2011, the present petition was filed. A Notice of Abandonment was subsequently mailed on December 27, 2011.

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).

[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.

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 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 $160 ($80 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)

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Alexandria, VA 22313-1450
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FAEGRE BAKER DANIELS LLP-POLARIS
300 N. MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

MAILED

FEB 23 2012

OFFICE OF PETITIONS

In re Application of
Richard E. Eck, et al.
Application No. 29/363,037
Filed: June 3, 2010
Attorney Docket No.: PLR-02-24350.01P

ON PETITION

This is a decision in response to the renewed petition, filed February 1, 2012, to revive the above-identified design application under 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for a failure to respond in a timely manner to the Notice of Allowance/Allowability mailed September 14, 2011, which set a statutory period for reply of three (3) months. On December 19, 2011, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed January 26, 2012. In response, on February 1, 2012, the present petition was filed.

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 and the $990 issue fee; (2) the petition fee of $1,860; (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 February 1, 2012 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 as a patent, including overseeing the review of the drawings.

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

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai et al. :
Application No. 29/363,058 : DECISION ON PETITION
Filed: June 3, 2010 :
Attorney Docket No. **US33008** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before April 4, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed January 4, 2011, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is April 5, 2011.

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 $990, (2) the petition fee of $1,860; 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.

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

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Alexandria, VA 22313-1450
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BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

MAILED

NOV 0 8 2010

OFFICE OF PETITIONS

In re Application of :
Leo E. LaBarre et al. :
Application No. 29/363,069 :
Filed: June 4, 2010 :
Attorney Docket No. **K019 P02061-US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed September 22, 2010 and supplemented on October 14, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Statement under 37 CFR 3.73(b) with the current assignee information of record submitted on October 14, 2010, lacks the title of the person who is authorized to act on behalf of the assignee. Therefore, the Statement under 37 CFR 3.73(b) is deemed unacceptable and the Office cannot approve the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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5TH FLOOR
PROVIDENCE RI 02903

MAILED

DEC 0 1 2010

OFFICE OF PETITIONS

In re Application of :
Leo E. LaBarre et al. :
Application No. 29/363,069 :
Filed: June 4, 2010 :
Attorney Docket No. **K019 P02061-US** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 12, 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 to 37 CFR 10.40.

The request was signed by Joshua A. Stockwell on behalf of all attorneys of record who are associated with Customer Number 03017.

All attorneys/agents associated with Customer Number 03017 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

It is noted that the Assignee's Statement Under 37 CFR 3.73(b) list the assignee as "Kenney Manufacturing Co., a corporation". However, the U.S. Patent and Trademark Office assignment records disclose that an assignment from Reel/Frame: 024487/0244 recorded on June 4, 2010, shows the name as "Kenney Manufacturing Co., a Rhode Island Corporation" not "Kenney Manufacturing Co, a Corporation". Therefore, the Office will construe the name "Kenney Manufacturing Co, a Corporation" as the assignee of record. If this is not correct petitioner must notify the Office.

The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Kenny Manufacturing Co.
1000 Jefferson Blvd.
Warwick, RI 02886

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
29/363,069	06/04/2010	Leo E. LaBarre	K019 P02061-US

CONFIRMATION NO. 7315

3017
BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE, RI 02903

POWER OF ATTORNEY NOTICE

OC00000044741393

Date Mailed: 12/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/12/2010.

- 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.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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SEATTLE WA 98104

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Behringer et al. :
Application Number: 29/363,149 : DECISION ON PETITION
Filing Date: 06/04/2010 :
Attorney Docket Number: :
790106.908 :

This is a decision on the petition filed on May 11, 2011, under 37 CFR 1.137(b),[1] 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 decision.

The application became abandoned on March 30, 2011, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on December 29, 2010, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on February 17, 2011.

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[1] A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. 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. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(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 required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The petition lacks a terminal disclaimer and fee as required by 37 CFR 1.137(c), which states that any petition to revive pursuant to this section in a design application must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application.

A copy of the terminal disclaimer form is enclosed for petitioner's use.

A renewed petition, accompanied by a terminal disclaimer and fee, should be filed. No further petition fee is due.

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
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

A reply may also be filed via the EFS-Web system of the USPTO.

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

Encl: PTO/SB/63

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AUG 03 2011

OFFICE OF PETITIONS

In re Application of :
Behringer et al. :
Application Number: 29/363,149 : ON PETITION
Filing Date: 06/04/2010 :
Attorney Docket Number: :
790106.908

This is a decision in response to the renewed petition under 37 CFR 1.137(b) filed on July 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 30, 2011, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on December 29, 2010, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on April 13, 2011. The petition filed on May 11, 2011, was dismissed on June 20, 2011.

The terminal disclaimer filed on July 19, 2011, 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 July 19, 2011, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

[1] 65 Fed. Reg. 54,674 (2000).

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.[2] 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 is referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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SEATTLE, WA 98104

MAILED
JUN 15 2011
OFFICE OF PETITIONS

In re Application of :
Ulrich Behringer et al :
Application No. 29/363,155 : ON PETITION
Filed: June 4, 2010 :
Attorney Docket No. 790106.906 :

This is a decision on the petition, filed May 18, 2011 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 submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed January 20, 2011, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 21, 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(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

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MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Ulrich Behringer et al	:	
Application No. 29/363,155	:	ON PETITION
Filed: June 4, 2010	:	
Attorney Docket No. 790106.906	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 22, 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 the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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JUN 13 2011

OFFICE OF PETITIONS

In re Application of :
Ulrich Behringer, et al. :
Application No. 29/363,156 : ON PETITION
Filed: June 4, 2010 :
Attorney Docket No.: 790106.907 :

This is a decision on the petition, filed May 19, 2011, 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 a failure to timely pay the issue on or before April 20, 2011, as required by the Notice of Allowance and Fee(s) Due mailed January 20, 2011. Accordingly, the application became abandoned on April 21, 2011. A Notice of Abandonment was mailed on May 5, 2011. On May 19, 2011, the present petition was filed.

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(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 item (4) above.

[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).

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)

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JUN 30 2011

OFFICE OF PETITIONS

In re Application of :
Ulrich Behringer, et al. :
Application No. 29/363,156 : ON PETITION
Filed: June 4, 2010 :
Attorney Docket No.: 790106.907 :

This is a decision in response to the renewed petition, filed June 17, 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 on April 21, 2011 for a failure to timely pay the issue fee on or before April 20, 2011. A petition under the provisions of 37 CFR 1.137(b) was filed on May 19, 2011; however, the petition was dismissed in a decision mailed July 13, 2011. On June 17, 2011, the present petition was filed.

The petition satisfy the requirements of 37 CFR 1.137(b) in that petitioners have supplied (1) the reply in the form of the $860 issue fee; (2) the petition fee of $1,620; and (4) a terminal disclaimer and the $140 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed June 17, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1-25-12 Paper No.: _____

TO SPE OF : ART UNIT 292

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/362,172 Patent No.: D633493

CofC mailroom date: 1-9-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Should COC be approved

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: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER
SPE

2911
Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/6/2012

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/363176 Patent No.: D638835S

CofC mailroom date: 1/26/2012

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: _____

_____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

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: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

_____ 2911
SPE **Art Unit**

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAURA N. TUNNELL
P.O. BOX 6003
SANTA BARBARA CA 93160

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of :
Ken Mann et al. :
Application No. 29/363,180 :
Filed: June 5, 2010 :
Attorney Docket No. 10MAN1DES :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 17, 2011, 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 February 7, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on May 8, 2011. A Notice of Abandonment was mailed on May 25, 2011.

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, and (3) a proper statement of unintentional delay. Accordingly, the corrected 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

MEDLINE INDUSTRIES INC
ONE MEDLINE PLACE
MUNDELEIN IL 60060

MAILED
MAY 13 2011
OFFICE OF PETITIONS

In re Application of	:	
Hampton et al.	:	
Application No.: 29/363262	:	DECISION ON
Filing or 371(c) Date: 06/07/2010	:	PETITION
Attorney Docket Number:	:	
HOOK AND TOOL-LESS CLAMP	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed March 29, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed June 18, 2010. The Notice set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on August 19, 2010. A Notice of Abandonment was mailed March 2, 2011.

Applicant files the present petition and drawings in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply in the form of an Application Data Sheet ("ADS") and the surcharge for late filing of the ADS; (2) the petition fee, and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AMPACC LAW GROUP, PLLC
6100 219TH STREET SW
SUITE 580
MOUNTLAKE TERRACE, WA 98043

MAILED
OCT 04 2011
OFFICE OF PETITIONS

In re Application of :
Gerald Steve Rago :
Application No. 29/363,272 : DECISION ON PETITION
Filed: June 7, 2010 :
Attorney Docket No. 905RO-000100US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2011, 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 September 10, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed June 10, 2011. Accordingly, the date of abandonment of this application is September 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings , (2) the petition fee of $1860, (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 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 drawings have been approved by the USPTO draftsperson.

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
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BUCHANAN INGERSOLL & ROONEY PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of :
Richard Sapper :
Application No. 29/363,286 : DECISION ON PETITION
Filed: June 8, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. 100205 : 37 CFR 1.102(c)(1)
:

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

The petition is **GRANTED**.

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

The instant petition includes a statement from applicant's representative that he is in possession of proof of applicant's age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

The application is being referred back to the Office of Patent Application Processing for pre-examination processing of the reply received July 29, 2010. This application will be accorded "special" status once pre-examination processing is complete.

/AMW/
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
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PATENT GROUP
MACDONALD, ILLIG, JONES & BRITTON LLP
100 STATE STREET, SUITE 700
ERIE, PA 16507-1459

MAILED
JUN 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Wayne M. Benson	:	
Application No. 29/363,304	:	DECISION ON PETITION
Filed: June 8, 2010	:	
Attorney Docket No. 52908.0000	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected formal drawings in a timely manner as a response to the Notice of Allowability, mailed December 17, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 18, 2011. A Notice of Abandonment was mailed April 4, 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 $810, (3) a proper statement of unintentional delay and, and (4) a terminal disclaimer and fee of $70 as required by 37 CFR 1.137(d).

The terminal disclaimer filed April 20, 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.

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

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai et al. :
Application No. 29/363,308 : DECISION ON PETITION
Filed: June 8, 2010 :
Attorney Docket No. **US33010** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before March 14, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 13, 2010, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is March 15, 2011.

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 $990, (2) the petition fee of $1,860; 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.

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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Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Chih-Ming Lai et al. :
Application No. 29/363,309 : DECISION ON PETITION
Filed: June 3, 2010 :
Attorney Docket No. **US33011** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees on or before March 14, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 13, 2010, which sets a statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is March 15, 2011.

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 $990, (2) the petition fee of $1,860; 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.

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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ALTIS LAW GROUP, INC.
ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED
DEC 08 2011
OFFICE OF PETITIONS

In re Application of :
Lai et al. :
Application No. 29/363,310 : DECISION ON PETITION
Filed: June 8, 2010 :
Attorney Docket No. US33003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 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.

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 Commissioner 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 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.

Petitioner has submitted a terminal disclaimer naming Foxsemicon Integrated Technology, Inc. as assignee of 100 percent interest. A review of USPTO records reveals no record of an assignment in the above-identified application. Therefore, the terminal disclaimer submitted

October 28, 2011 is improper.

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

Telephone inquiries 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
P.O. Box 1450
Alexandria, VA 22313-1450
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ALTIS LAW GROUP, INC.
ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED
JAN 13 2012
OFFICE OF PETITIONS

In re Application of :
Lai et al. :
Application No. 29/363,310 : DECISION ON PETITION
Filed: June 8, 2010 :
Attorney Docket No. US33003 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 2012, 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 February 18, 2011, as required by the Notice of Allowance and Fee(s) Due mailed November 18, 2010. Accordingly, the date of abandonment of this application is February 22, 2011. A Notice of Abandonment was mailed March 7, 2011.

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 $990.00, (2) the petition fee of $1,860.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of $160.00.

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.

/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

LEIGHTON K. CHONG
PATENT ATTORNEY
133 KAAI STREET
HONOLULU HI 96821

MAILED

FEB 23 2011

OFFICE OF PETITIONS

In re Application of :
Todd Bradley :
Application No. 29/363,382 : DECISION ON PETITION
Filed: June 8, 2010 :
Attorney Docket No. C4W-DS3B :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 17, 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.

This application became abandoned for failure to timely to submit Corrected Drawings on or before December 20, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 20, 2010. Accordingly, the date of abandonment of this application is December 21, 2010. A Notice of Abandonment was mailed January 10, 2011.

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 Commissioner 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 (form enclosed) and small entity $70.00 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.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63

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

LEIGHTON K. CHONG
PATENT ATTORNEY
133 KAAI STREET
HONOLULU HI 96821

MAILED

APR 01 2011

OFFICE OF PETITIONS

In re Application of :
Todd Bradley :
Application No. 29/363,382 : DECISION ON PETITION
Filed: June 8, 2010 :
Attorney Docket No. C4W-DS3B :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 17, 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 December 20, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed September 20, 2010. Accordingly, the date of abandonment of this application is December 21, 2010. A Notice of Abandonment was mailed January 10, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings (previously submitted January 17, 2011), (2) the petition fee of $810.00 (previously paid January 17, 2011); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and required $70.00 fee.

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 January 17, 2011.

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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MAILED

AUG 05 2011

OFFICE OF PETITIONS

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

In re Application of :
Francisco Romero :
Application No. 29/363,395 : ON PETITION
Filed: June 9, 2010 :
Attorney Docket No.: 5559-01709 :

This is a decision on the petition, filed July 20, 2011, 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 submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed March 7, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 8, 2011. On June 20, 2011, a Notice of Abandonment was mailed. In response, on July 20, 2011, 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).

[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 July 20, 2011 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 $140 terminal disclaimer fee paid on July 20, 2011; 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.

/SDB/

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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

MAILED

AUG 31 2011

OFFICE OF PETITIONS

In re Application of :
Francisco Romero :
Application No. 29/363,395 : ON PETITION
Filed: June 9, 2010 :
Attorney Docket No.: 5559-01709 :

This is a decision on the renewed petition, filed August 25, 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 March 7, 2011. A Notice of Abandonment was mailed on June 20, 2011. On July 20, 2011, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed August 5, 2011. In response, on August 25, 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 $1,620; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and the $140 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed August 25, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110505

DATE : April 04, 2011

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: 29/363413

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:

There is no evidence in the original application to indicate that this is a "baby pillow".
It is suggested that the title "PILLOW" alone would be acceptable.

/CARON D VEYNAR/
Supervisory Patent Examiner.Art Unit 2913

UNITED STATES 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 10, 2011

David B. Cupar
McDonald Hopkins LLC
600 Superior Avenue
Suite 2100
Cleveland, OH 44114

Patent No: D632, 354 S
Application No: 29/363413
Applicant: Cindy Perry
Issued: February 8, 2011
Title: **WATER FLOAT**

Request for Certificate 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 Rule 1.323.

The error complained of in your request cannot be corrected per the examiner "There is no evidence in the original application to indicate that this is a *baby pillow*. It is suggested that the title "PILLOW" alone would be acceptable".

In view of the foregoing your request in these matters are hereby **denied**.

Future correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(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

MAILED

OCT 25 2010

OFFICE OF PETITIONS

DIEHL SERVILLA LLC
33 WOOD AVE SOUTH
SECOND FLOOR, SUITE 210
ISELIN NJ 08830

In re Application of :
TACCONI, Alice et al. :
Application No. 29/363,572 : DECISION ON PETITION
Filed: June 11, 2010 : TO WITHDRAW
Attorney Docket No. **ANS0236-00D1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2010.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to DIEHL SERVILLA LLC has been revoked by the assignee of the patent application on September 30, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **MOSER IP LAW GROUP/ANSELL LIMITED**
1030 BROAD STREET, SUITE 203
SHREWSBURY, NJ 07702

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.
29/363,725	06/14/2010	Curtis Richardson	314USD1	9811

95011 7590 01/26/2011

Intellectual Property Department
Otter Products, LLC
101 Remington Street
Fort Collins, CO 80524

EXAMINER	
WRIGHT, CARLA JOBE	

ART UNIT	PAPER NUMBER
2915	

NOTIFICATION DATE	DELIVERY MODE
01/26/2011	ELECTRONIC

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

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

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

ip@otterbox.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

Intellectual Property Department
Otter Products, LLC
101 Remington Street
Fort Collins, CO 80524

1/26/2011

In re Application of:
Curtis et al.
Serial No.: 29/363,725
Filed: June 14, 2010
Docket: 314USD1
Title: Case

DECISION ON PETITION FOR EXPEDITED EXAMINATION UNDER 37 C.F.R. § 1.155

This is a decision on the petition filed on December 22, 2010, requesting expedited examination of a design application under 37 CFR 1.155.

The petition is DISMISSED.

REGULATION AND PRACTICE

37 CFR 1.155 establishes an expedited procedure for design applications. A design application may qualify for expedited examination provided the following requirements are met:

(A) A request for expedited examination is filed (Form PTO/SB/27 may be used);

(B) The design application is complete and it includes drawings in compliance with 37 CFR 1.84 (see 37 CFR 1.154 and MPEP § 1503 concerning the requirements for a complete design application);

(C) A statement is filed indicating that a preexamination search was conducted (a search made by a foreign patent office satisfies this requirement). The statement must also include a list of the field of search such as by U.S. Class and Subclass (including domestic patent documents, foreign patent documents and nonpatent literature);

(D) An information disclosure statement in compliance with 37 CFR 1.98 is filed;

(E) The basic design application filing fee set forth in 37 CFR 1.16(b) is paid; and

(F) The fee for expedited examination set forth in 37 CFR 1.17(k) is paid.

If an application requesting expedited examination fails to comply with one or more of the requirements for expedited examination under 37 CFR 1.155, but the application is otherwise complete, the applicant will be promptly notified and required to comply with all requirements under 37 CFR 1.155 within a shortened time period extendable under 37 CFR 1.136(a). Unless all requirements under 37 CFR 1.155 are timely met, the application will await action in its regular turn.

REVIEW OF FACTS

In this case, applicant has not met the completeness and disclosure requirements set forth above, due to the following deficiencies:

Item D.
Item D: An IDS has not been submitted.

DECISION

For the above-stated reason, the petition is DISMISSED.

Applicant is granted ONE MONTH from the mailing date of this decision to correct the deficiency noted above and to comply with all requirements under 37 CFR 1.155.

Any inquiry regarding this decision should be directed to Cathron Brooks, Supervisory Patent Examiner, at (571) 272-2633.

Robert Olszewski, Director
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.
29/363,726	06/14/2010	Curtis Richardson	315USD1	9814

95011 7590 01/26/2011

Intellectual Property Department
Otter Products, LLC
101 Remington Street
Fort Collins, CO 80524

EXAMINER	
WRIGHT, CARLA JOBE	
ART UNIT	PAPER NUMBER
2915	
NOTIFICATION DATE	DELIVERY MODE
01/26/2011	ELECTRONIC

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

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

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

ip@otterbox.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

Intellectual Property Department
Otter Products, LLC
101 Remington Street
Fort Collins, CO 80524

1/26/2011

In re Application of:
Curtis et al.
Serial No.: 29/363,726
Filed: June 14, 2010
Docket: 315USD1
Title: Case

DECISION ON PETITION FOR EXPEDITED EXAMINATION UNDER 37 C.F.R. § 1.155

This is a decision on the petition filed on December 22, 2010, requesting expedited examination of a design application under 37 CFR 1.155.

The petition is DISMISSED.

REGULATION AND PRACTICE

37 CFR 1.155 establishes an expedited procedure for design applications. A design application may qualify for expedited examination provided the following requirements are met:

(A) A request for expedited examination is filed (Form PTO/SB/27 may be used);

(B) The design application is complete and it includes drawings in compliance with 37 CFR 1.84 (see 37 CFR 1.154 and MPEP § 1503 concerning the requirements for a complete design application);

(C) A statement is filed indicating that a preexamination search was conducted (a search made by a foreign patent office satisfies this requirement). The statement must also include a list of the field of search such as by U.S. Class and Subclass (including domestic patent documents, foreign patent documents and nonpatent literature);

(D) An information disclosure statement in compliance with 37 CFR 1.98 is filed;

(E) The basic design application filing fee set forth in 37 CFR 1.16(b) is paid; and

(F) The fee for expedited examination set forth in 37 CFR 1.17(k) is paid.

If an application requesting expedited examination fails to comply with one or more of the requirements for expedited examination under 37 CFR 1.155, but the application is otherwise complete, the applicant will be promptly notified and required to comply with all requirements under 37 CFR 1.155 within a shortened time period extendable under 37 CFR 1.136(a). Unless all requirements under 37 CFR 1.155 are timely met, the application will await action in its regular turn.

REVIEW OF FACTS

In this case, applicant has not met the completeness and disclosure requirements set forth above, due to the following deficiencies:

Item D.
Item D: An IDS has not been submitted.

DECISION

For the above-stated reason, the petition is DISMISSED.

Applicant is granted ONE MONTH from the mailing date of this decision to correct the deficiency noted above and to comply with all requirements under 37 CFR 1.155.

Any inquiry regarding this decision should be directed to Cathron Brooks, Supervisory Patent Examiner, at (571) 272-2633.

Robert Olszewski, Director
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

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

MAILED

NOV 23 2010

OFFICE OF PETITIONS

In re Application of :
Daley et al. :
Application No. 29/363,899 :
Filed: June 16, 2010 :
Attorney Docket No. 2944-162 :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b), filed September 16, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A review of the record shows that the petition filed on March 20, 2009 has not been properly signed. In this regard, 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.

The Office is in receipt of a declaration signed by Trevor Noel Beadle, who does not appear to be a party listed under 37 CFR 1.33(b). The Office is not in receipt of a properly executed petition. 37 CFR 1.47 requires the oath or declaration in such an application must be accompanied by a

petition including proof of the pertinent facts, the fee set forth in § 1.17(g), and the last known address of the nonsigning inventor.

Further, review of the record confirms that only the transmittal letter has been executed by a registered attorney

Therefore, the merits of the petition have **not** been treated.

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 Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

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

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FEB 28 2011

OFFICE OF PETITIONS

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of	:	
Daley et al.	:	DECISION REFUSING STATUS
Application No. 29/363,899	:	UNDER 37 CFR 1.47(a)
Filed: June 16, 2010	:	
Attorney Docket No. 2944-162	:	

This is in response to the petition under 37 CFR 1.183, this petition is properly treated under 37 CFR 1.47(a), filed January 24, 2011.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) and (4) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Daley, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Daley after the registered postal article was returned. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally,

petitioner should state whether he has access to inventor Daley's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Rule 47 applicant has failed to demonstrate other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail. If these efforts are made then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

It should be noted that the declaration submitted on January 24, 2011 which includes inventor Colin signing on behalf of inventor Daley is not acceptable. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated. See MPEP 709.03(a). As such the declaration which has left the signature block of inventor Daley blank submitted on September 16, 2010 will be used for processing purposes.

As to item (4), inventor Daley's last known address provided in the petition differs from the address provided in the application data sheet. If appropriate a signed supplemental application data sheet with the correct address should be provided.

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

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant
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

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of :
Todd Anthony Daley, Wayne Keith Summers : DECISION GRANTING STATUS
and Colin Coles : UNDER 37 CFR 1.47(a)
Application No. 29/363,899 :
Filed: June 16, 2010 :
Attorney Docket No. 2944-162 :
For: CONTAINER AND BLANK FOR :
FORMING SAME :

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 26, 2011.

The petition is **GRANTED.**

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

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

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

This application is being referred to the Office of Patent Application processing for processing in the normal course of business.

Telephone inquiries regarding this decision 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

Todd Anthony Daley
4 Butterworth Street
Burra, South Australia 5417

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of
Todd Anthony Daley, Wayne Keith Summers and Colin Coles
Application No. 29/363,899
Filed: June 16, 2010
Attorney Docket No. 2944-162
For: CONTAINER AND BLANK FOR FORMING SAME

Dear Sir:

You are named as a co-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 the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/19/2011

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/364,019 Patent No.: D640637 S

CofC mailroom date: 7/1/2011

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: _____

_____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

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**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120417-A

DATE : April 17, 2012

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction on Patent No.: D648517

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:

All changes are approved.

/CELIA MURPHY/
Supervisory Patent Examiner.Art Unit 2914

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : July 26, 2011

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/364074 Patent No.: D637567

CofC mailroom date: 7-19-11

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

Note: _____

_____

Magdalene Talley
Certificates of Correction Branch
571-272-0423 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

/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

NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of :
Marc Zemel :
Application No. 29/364,109 :
Filed: September 18, 2010 :
Attorney Docket No. 10-6058 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 9, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

As there is no Statement under 37 CFR 3.73(b) filed in the instant application, the request cannot be approved at this time. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions which require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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

NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Marc Zemel	:	DECISION ON PETITION
Application No. 29/364,109	:	TO WITHDRAW
Filed: June 18, 2010	:	FROM RECORD
Attorney Docket No. 10-6058	:	

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

The request is **APPROVED**.

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

The request was signed by Seth Natter on behalf of all the practitioners of record associated with Customer Number 28143.

Customer Number 28143 has been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley-Collier

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

cc: MARC ZEMEL C/O MR. BAR-B-Q, INC.
445 WINDING ROAD
OLD BETHPAGE, NY 11804

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
29/364,109	06/18/2010	MARC ZEMEL	10-6058

CONFIRMATION NO. 8478

POWER OF ATTORNEY NOTICE

28143
NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

Date Mailed: 05/19/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/02/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley-collier/

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

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

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

MAILED

MAR 09 2011

OFFICE OF PETITIONS

In re Application of :
Sasha Rushworth : DECISION GRANTING STATUS
Application No. 29/364,123 : UNDER 37 CFR 1.47(b)
Filed: June 18, 2010 :
Attorney Dkt No. 59930.5.1 :

This is in response to the petition under 37 CFR 1.47(b), filed January 28, 2011.

The petition is **GRANTED.**

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

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

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

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

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

Sasha Rushworth
2 Crescent Wood Road
Sydenham Hill, London SE26 6RU
United Kingdom

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of
Sasha Rushworth
Application No. 29/364,123
Filed: June 18, 2010
Attorney Dkt No. 59930.5.1
For: Lumberjack Hood Shirt

Dear Inventor:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

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

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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THORP REED & ARMSTRONG, LLP
ONE OXFORD CENTRE
301 GRANT STREET, 14TH FLOOR
PITTSBURGH PA 15219-1425

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Joe Cute	:	
Application No. 29/364,134	:	ON PETITION
Filed: June 18, 2010	:	
Attorney Docket No. LB000407-000	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 6, 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 pay the issue fee on or before January 4, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 4, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 20, 2011. The Notice of Abandonment was mailed January 20, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(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/
Terri Johnson
Petitions Examiner
Office of Petitions

Enclosed: PTO/SB/63 (Terminal Disclaimer)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THORP REED & ARMSTRONG, LLP
ONE OXFORD CENTRE
301 GRANT STREET, 14TH FLOOR
PITTSBURGH PA 15219-1425

MAILED
APR 12 2011
OFFICE OF PETITIONS

In re Application of	:	
Joe Cute	:	
Application No. 29/364,134	:	ON PETITION
Filed: June 18, 2010	:	
Attorney Docket No. LB000407-000	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 25, 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 pay the issue fee on or before January 4, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 4, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 20, 2011. The Notice of Abandonment was mailed January 20, 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 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 herewith petition cannot be accepted because it was not 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 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/
Terri Johnson
Petitions Examiner
Office of Petitions

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

JUN 30 2011

OFFICE OF PETITIONS

THORP REED & ARMSTRONG, LLP
ONE OXFORD CENTRE
301 GRANT STREET, 14TH FLOOR
PITTSBURGH PA 15219-1425

In re Application of :
Joe Cute :
Application No. 29/364,134 : DECISION ON PETITION
Filed: June 18, 2010 :
Attorney Docket No. LB000407-000 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 10, 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 4, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed October 4, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 5, 2011. A Notice of Abandonment was mailed on January 20, 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 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.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571)272-2991.

This application is being referred to Office of Data Management for further processing in accordance with this decision on petition.

/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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FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Marcus Katz :
Application No. 29/364,136 : DECISION ON PETITION
Filed: June 18, 2010 : TO WITHDRAW
Attorney Docket No. **21172-0009003** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 10, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 20985 has been revoked by the applicant of the patent application on February 11, 2011. Therefore, practitioners no longer have power in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

The Power of Attorney filed on February 11, 2011, contained the incorrect application number (29/353,136,). However, under current Office procedure, if a paper contains the incorrect application number, but contains sufficient information to identify the correct application, the paper should be transferred to the correct application's file record. Therefore, in reviewing the papers (Power of Attorney) filed on February 11, 2011, in the instant application, it is concluded that the information contained thereon (i.e., inventor's name, examiner's name, title of the invention, etc.) was sufficient to associate the papers filed with the above-identified application.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: THIBAUL PATENT GROUP
11363 Carmel Creek Rd
San Diego CA 92130

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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FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Marcus Katz :
Application No. 29/364,158 : DECISION ON PETITION
Filed: June 18, 2010 : TO WITHDRAW
Attorney Docket No. **21172-0009006** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 10, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 20985 has been revoked by the applicant of the patent application on February 11, 2011. Therefore, practitioners no longer have power in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

The Power of Attorney filed on February 11, 2011, contained the incorrect application number (29/353,158). However, under current Office procedure, if a paper contains the incorrect application number, but contains sufficient information to identify the correct application, the paper should be transferred to the correct application's file record. Therefore, in reviewing the papers (Power of Attorney) filed on February 11, 2011, in the instant application, it is concluded that the information contained thereon (i.e., inventor's name, examiner's name, title of the invention, etc.) was sufficient to associate the papers filed with the above-identified application.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: THIBAUL PATENT GROUP
11363 Carmel Creek Rd
San Diego CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

MAY 03 2011

OFFICE OF PETITIONS

In re Application of :
Marcus A. Katz :
Application No. 29/364,169 :
Filed: June 18, 2010 :
Attorney Docket No.21172-0009009 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed February 10, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/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
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FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application	:	
Marcus A. Katz	:	DECISION ON PETITION
Application No. 29/364,171	:	TO WITHDRAW
Filed: June 18, 2010	:	FROM RECORD
Attorney Docket No. 21172-0009008	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 10, 2011.

The request is **DISMISSED**.

A review of the file record indicates that Customer Number 20985, Fish & Richardson P.C. (SD) was revoked by the applicant of record. A new Power of Attorney was filed on February 11, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not necessary.

All future communications from the Office will be directed to the current correspondence address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

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
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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE TN 37203

MAILED

MAR 29 2011

OFFICE OF PETITIONS

In re Application of :
Karl Krammerer :
Application No. 29/364,292 : DECISION ON PETITION
Filed: June 22, 2010 :
Attorney Docket No. 004028E :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on September 13, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on December 14, 2010. A Notice of Abandonment was mailed on December 29, 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, (3) a proper statement of unintentional delay (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the corrected 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
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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE TN 37203

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of :
Karl Krammerer :
Application No. 29/364,294 : DECISION ON PETITION
Filed: June 22, 2010 :
Attorney Docket No. 004028K :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on September 13, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on December 14, 2010. A Notice of Abandonment was mailed on December 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 corrected drawings, (2) the petition fee of $810, (3) a proper statement of unintentional delay (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the corrected 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/04/11

TO SPE OF : ART UNIT: 2911 Attn: BROOKS CATHRON C (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/364405 Patent No.: D630964

CofC Mailroom date: 01/25/11

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

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 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: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

SPE 2911 **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

PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 SATELLITE BLVD., 2nd FLOOR
DULUTH GA 30096

MAILED
NOV 08 2011
OFFICE OF PETITIONS

In re Application of :
Peter B. Barron :
Application No. 29/364,537 : DECISION ON PETITION
Filed: June 24, 2010 :
Attorney Docket No. 09-001129-D :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 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.

This application became abandoned for failure to timely pay the issue fee on or before September 27, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 27, 2011. Accordingly, the date of abandonment of this application is September 28, 2011. A Notice of Abandonment was mailed on October 18, 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 $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).

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

PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 SATELLITE BLVD., 2nd FLOOR
DULUTH GA 30096

MAILED
JAN 10 2012
OFFICE OF PETITIONS

In re Application of :
Bernard F. Garceau et al. :
Application No. 29/364,537 : DECISION ON PETITION
Filed: October 15, 2010 :
Attorney Docket No. 116523.00213 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 30, 2011, 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 September 27, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 27, 2011. Accordingly, the date of abandonment of this application is September 28, 2011. A Notice of Abandonment was mailed on October 18, 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 issue fee of $990, ((2) the petition fee of $1,860, (3) a proper statement of unintentional delay and, (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the issue fee 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 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

WELLS ST. JOHN P.S.
601 W. 1ST STREET #1300
SPOKANE WA 99201

MAILED

FEB 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Barnes et al.	:	
Application No. 29/364,549	:	DECISION GRANTING STATUS
Filed: June 24, 2010	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. PR50-003	:	

This is in response to the petition under 37 CFR 1.47(a), filed January 3, 2011.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventors, Vance Vernon Kinchen and Todd Earl Gregg, have refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

This matter is being referred to the Technology Center AU 2911 for examination on the merits.

/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

VANCE VERNON KINCHEN
P.O. BOX 361
POST FALLS, ID 83877

MAILED

FEB 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Barnes et al.	:	
Application No. 29/364,549	:	ON PETITION
Filed: June 24, 2010	:	
Attorney Docket No. PR50-003	:	

Mr. Kinchen,

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

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

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/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

TODD EARL GREGG
428 PROVIDENCE AVENUE
SPOKANE, WA 99207

MAILED

FEB 10 2011

OFFICE OF PETITIONS

In re Application of :
Barnes et al. :
Application No. 29/364,549 : ON PETITION
Filed: June 24, 2010 :
Attorney Docket No. PR50-003 :

Mr. Gregg,

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

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

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/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

THOMAS M. GALGANO
20 W. PARK AVENUE
SUITE 204
LONG BEACH NY 11561

MAILED

APR 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Mathiue, Jean-Noel	:	
Application No. 29/364,745	:	ON PETITION
Filed: June 28, 2010	:	
Attorney Docket No. 3078-9	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 7, 2011, to revive 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. No further petition fee is required for the request. 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 submit the issue fee in a timely manner in reply to the Notice of Allowance mailed October 28, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 29, 2011. A Notice of Abandonment was mailed on February 14, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(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.

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.[2]

---

[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.

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item(s) (4). Since the instant application is a design application, a terminal disclaimer and fee are required for revival under 37 CFR 1.137(b).

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

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

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
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

THOMAS M. GALGANO
20 W. PARK AVENUE
SUITE 204
LONG BEACH NY 11561

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Mathieu, Jean-Noel	:	
Application No. 29/364,745	:	ON PETITION
Filed: June 28, 2010	:	
Attorney Docket No. 3078-9	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed April 26, 2011, 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 has supplied a terminal disclaimer and fee.

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
www.uspto.gov

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

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Patent No. D631,303	:	
Issue Date: January 25, 2011	:	
Application No. 29/364,765	:	NOTICE
Filed: June 28, 2010	:	
Attorney Docket No. 8637DDV(308092)	:	

This is a notice regarding your request, July 12, 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**.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
SEP 08 2011
OFFICE OF PETITIONS

In re Patent No. D632931 :
Issue Date: February 22, 2011 :
Application No. 29/364,766 : NOTICE
Filed: June 28, 2010 :
Attorney Docket No. 86374DIV2(308092) :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed July 7, 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) 272-3213.

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

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of.	:	NOTICE
Chuang et al.	:	
Application No. 29/364,906	:	
Filed: June 30, 2010	:	
Attorney Docket No. MR3871-190	:	

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 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.

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.

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

PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
Jae Hyun Hong :
Application No. 29/364,974 : ON PETITION
Filed: June 30, 2010 :
Attorney Docket No. 1615,019 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 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 the issue fee in a timely manner in reply to the Notice of Allowability, mailed June 6, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 7, 2011. The Notice of Abandonment was mailed September 19, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(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/
Terri Johnson
Petitions Examiner
Office of Petitions

Enclosed: PTO/SB/63 (Terminal Disclaimer)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010

MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Application of :
Jae Hyun Hong :
Application No. 29/364,974 : ON PETITION
Filed: June 30, 2010 :
Attorney Docket No. 1615,019 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 20, 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 the issue fee in a timely manner in reply to the Notice of Allowability, mailed June 6, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 7, 2011. The Notice of Abandonment was mailed September 19, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4).

The terminal disclaimer that was submitted herewith petition was not filled in properly. The owner and the percentage of ownership was left blank on the PTO/SB/63 form.

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/
Terri Johnson
Petitions Examiner
Office of Petitions

Enclosed: Copy of the PTO/SB/63 (Terminal Disclaimer) submitted with petition

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) 1615.019

In re Application of: Jae Hyun Hong

Name:

Application Number: 29/364,974

Filed: June 30, 2010

For: "RIDE-ON TOY CAR"

The owner*, [redacted] of [redacted] 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 abov e-identified applic ation is a uti lity or plant appl ication, the less er of: (a) the period of abandonment of the application; or (b) the per iod ex tending bey ond twenty years from the date on which the above-identified application was filed in the United States or, if the appl ication contains a specific reference to an earlier filed application(s) und er 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest s uch application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 199 5, or a des ign application, that conta ins 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 57,051.

/csl/ — Signature

December 20, 2011 — Date

Choongseop Lee — Typed or Printed Name

213)389-3777 — 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 CO MPLETED 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

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

PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010

MAILED

FEB 17 2012

OFFICE OF PETITIONS

In re Application of :
Jae Hyun Hong :
Application No. 29/364,974 : DECISION ON PETITION
Filed: June 30, 2010 :
Attorney Docket No. 1615.019 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 30, 2012, to revive the above-identified design application.

The petition is **GRANTED.**

The applications became abandoned for failure to timely pay the issue fee and submit corrected drawings on or before September 6, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 6, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 7, 2011. A Notice of Abandonment was mailed on September 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 $495 issue fee and corrected 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 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.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for further processing in accordance with this decision on petition.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110513

DATE : May 12, 2010

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D625094

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

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	29365041
Filing Date	01-Jul-2010
First Named Inventor	David Farley
Art Unit	2913
Examiner Name	LUCY LIEBERMAN
Attorney Docket Number	1241-014.101
Title	SLEEP SURFACE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22145

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

10.40(c)(1)(vi)

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	David Farley
Address	1241 Old Temescal Road
City	Corona
State	CA
Postal Code	92881

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/HJK/
Name	Howard J. Klein
Registration Number	28727

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 3,2011

In re Application of :

David Farley

Application No : 29365041

Filed : 01-Jul-2010

Attorney Docket No : 1241-014.101

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 June 3,2011

The request is **APPROVED.**

The request was signed by Howard J. Klein (registration no. 28727) on behalf of all attorneys/agents associated with Customer Number 22145 . All attorneys/agents associated with Cusotmer Number 22145 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 David Farley

Name2

Address 1 1241 Old Temescal Road

Address 2

City Corona

State CA

Postal Code 92881

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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In re Application of
Christopher Kelly

Application No. 29365238

Filed: July 6,2010

Attorney Docket No. CK100512-2

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 04-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), 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.AUTO
Doc Description: Petition Automatically granted by EFS

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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

Application Information

Application Number	29365238	Confirmation Number	1962	Filing Date	2010-07-06
Attorney Docket Number (optional)	CK100512-2	Art Unit		Examiner	
First Named Inventor	Christopher Kelly				
Title of Invention	MOHAWK WITH PLASTIC SPIKES				

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
Lori		Forest	

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	/Kevin Prince/	Date (YYYY-MM-DD)	2010-08-04
Name	Kevin Prince	Registration Number	57207

Doc Code: PET.AUTO
Doc Description: Petition Automatically granted by EFS

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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HUSCH BLACKWELL LLP
4801 Main Street
Suite 1000
KANSAS CITY MO 64112

MAILED

OCT 0 1 2010

OFFICE OF PETITIONS

In re Application of :
Edward Corbin, et al. :
Application No. 29/365,336 :
Filed: July 8, 2010 : ON PETITION
Attorney Docket No.: 506384.1 :

This is a decision on the Petition under 37 CFR 1.182, filed August 20, 2010, requesting, in effect, the above-identified application be accorded, as the filing date, the date that the omitted drawings were filed with the instant petition.

Background

Application papers in the above-identified application were filed on July 8, 2010. On July 19, 2010, the Office Patent Application Processing (OPAP) mailed a Notice of Omitted Item(s) in a Nonprovisional Application, informing Applicant that a drawing Figures 3-6, described in the specification, appeared to have been omitted from the application.

On August 20, 2010, the present petition was filed, including the requisite petition fee; a drawing of Figures 3-6; and a supplemental declaration, specifically referring to Figures 3-6. Petitioner acknowledges that Figures 3-6 were inadvertently omitted and requests that they be included in the application.

The Manual of Patent Examining Procedure ("MPEP"), § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

The mailing of a 'Notice of Omitted Item(s)' will permit the applicant to either: (1) petition for the date of deposit by filing a petition under 37 CFR 1.53(e), asserting that the omitted item was in fact deposited in the Office, along with

evidence of such deposit (e.g., a date-stamped itemized postcard receipt) and the petition fee; (2) petition for a later filing date by filing the omitted item, along with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item, a petition under 37 CFR 1.182 and the petition fee, requesting the date of such submission as the application filing date; or (3) "accept the application as deposited in the USPTO [and not] respond to the 'Notice of Omitted Item(s)'", thereby constructively accepting the application as deposited with this Office. Amendment of the specification is required . . . to cancel all references to the omitted drawing[s]. . . ." See MPEP 601.01(g).

The present petition complies with option (2) above.

Accordingly, the petition is **GRANTED**.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for correction of the filing date to August 20, 2010, including the drawing Figures 3-6 filed on August 20, 2010, and for the mailing of a corrected filing receipt.

The Supplemental Oath/Declaration, filed with the instant petition on August 20, 2010, has been entered and made of record.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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THOMAS C. PONTANI
COHEN PONTANI
LIEBERMAN & PAVANE LLP
12TH FLOOR
551 FIFTH AVENUE
NEW YORK NY 10176

MAILED
MAR 21 2011
OFFICE OF PETITIONS

In re Application of :
Brandsetter :
Application No. 29/365,443 : DECISION
Filed/Deposited: 9 July, 2010 :
Attorney Docket No. 2082-85 :

This is a decision on the petition filed on 6 August, 2010, properly considered pursuant to 37 C.F.R. §1.57, seeking to have accorded a filing date of 9 July, 2010, for the above-identified application based upon a showing that the omitted drawing/figures were present in the prior-filed application to which this application claimed benefit (pursuant to 37 C.F.R. §1.78 and/or §1.55) on deposit.

For the reasons stated herein, the petition is **GRANTED**.

Application papers in the above-identified application were deposited on 9 July, 2010.

On 22 July, 2010, the Office mailed a Notice of Incomplete Nonprovisional Application (the Notice) and indicated therein that the application had not been accorded a filing date because it had been deposited without drawings as required pursuant to 35 U.S.C. §113.

Thus, the application was not granted a filing date.

OPAP indicated that Petitioner might:

- contend via petition that the specification was submitted (and evidence same with a copy of a date-stamped receipt card (see: MPEP §503)); or that a priority claim pursuant to 37 C.F.R. §1.55 or. §1.78 was present on deposit and that petition pursuant to 37 C.F.R. §1.57 was proper to add inadvertently omitted material to the instant application; or

- submit the specification and accept the later date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

In response, on 6 August, 2010, Petitioner filed, *inter alia*:

- a petition averring incorporation by reference of European Union Application No. 001656307-0001 filed on 13 January, 2010 (and pending on deposit of the instant application) to which priority is claimed;

- petition fee/fee authorization;

- a preliminary amendment, along with what is not averred but apparently inferred to be true copies of the application on deposit and a true copy of European Union Application No. 001656307-0001 filed on 13 January, 2010 (the statement of the petition is that the submission is of "identical pages"), and it is noted that the express claim for priority were present on deposit in: (a) the transmittal, and (b) the oath/declaration.

Consideration turns to the merits of the §1.57 petition.

The regulations at 37 C.F.R. §1.57 provide that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under §1.55 for priority of a prior-filed foreign application, or a claim under §1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under §1.55 or §1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> > (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by §1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
> >
> > (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. §111;
> >
> > (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ***
>
> (3) If an application is not otherwise entitled to a filing date under §1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in §1.17(f).

The instant application was filed after September 21, 2004, and thus, the provisions of 37 C.F.R. §1.57(a) are applicable.

ANALYSIS

Petitioner filed a petition on 6 August, 2010, with: fee, and a copy of true copy of European Union Application No. 001656307-0001 filed on 13 January, 2010 (the statement of the petition is that the submission is of "identical pages"), and it is noted that the express claim for priority were present on deposit in: (a) the transmittal, and (b) the oath/declaration and a preliminary amendment and drawings, and Petitioner identified where the inadvertently omitted materials can be filed in the prior-filed application. A preliminary amendment to add the inadvertently omitted material is required and appears to have been submitted contemporaneously with the petition.

CONCLUSION

Accordingly, the petition is **granted**.

This application is being forwarded to the Office of Patent Application Processing (OPAP) formerly Office of Initial Patent Examination (OIPE), for further processing, with the filing date of 9 July, 2010, using the application papers present on that date, and drawings/figures and preliminary amendment submitted on 6 August, 2010.

Any questions concerning this matter may be directed to John Gillon at (571) 272-3214.

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

Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450

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AUG 18 2011

OFFICE OF PETITIONS

Daniels Patent Law PLLC
43 Centre Street
Concord NH 03301

In re Application of :
Richard ALIMENTI : ON PETITION
Application No. 29/365,482 :
Filed: July 9, 2010 :
Atty. Docket No.: ORGOFO D04AUS

This is a decision on the petition under 37 CFR 1.137(b), filed July 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 Notice of Allowability mailed April 1, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned on July 2, 2011. A Notice of Abandonment was mailed July 18, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Notice of Allowability, (2) a petition fee of $810, (3) a statement of unintentional delay, and (4) 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 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 regarding 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 further processing.

Rajnesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

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DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS MN 55402

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
David M. Casciotti, et al. :
Application No. 29/365,514 : DECISION ON PETITION
Filed: July 9, 2010 :
Attorney Docket No. 201.139.101 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2011, 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 July 22, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 22, 2011. Accordingly, the date of abandonment of this application is July 23, 2011.

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, (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 the Office of Data Management for processing into a patent.

/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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DAVID W. HIGHET, VP & CHIEF IP COUNSEL
BECTON, DICKINSON AND COMPANY
(DIEHL SERVILLA, LLC)
1 BECTON DRIVE, MC 110
FRANKLIN LAKES, NJ 07417-1880

MAILED

AUG 11 2011

OFFICE OF PETITIONS

In re Application of
Anthony J. Kosinski, et al.
Application No. 29/365,537
Filed: July 9, 2010
Attorney Docket No. P-8793/5

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(3) (CPA)

This is a decision on the petition under 37 CFR 1.313(c)(3), filed August 4, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

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.

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 July 19, 2011 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 August 4, 2011.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JEFFREY I. BLANKMAN
DIEHL SERVILLA LLC
33 WOOD AVENUE SOUTH
SECOND FLOOR, SUITE 210
ISELIN, NJ 08830

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Berenbaum Weinshienk PC
370 Seventeenth Street
Republic Plaza, Suite 4800
Denver CO 80202

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of :
Michael Romanko :
Application No. 29/365,553 : ON PETITION
Filed: July 9, 2010 :
Attorney Docket No. 16257.852USD01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 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 s to timely pay the issue fee on or before February 1, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 16, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 1, 2010. The Notice of Abandonment was mailed March 11, 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(s) (4).

The terminal disclaimer filed herewith petition cannot be accepted because it was not 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.

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.

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/
Terri Johnson
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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Berenbaum Weinshienk PC
370 Seventeenth Street
Republic Plaza, Suite 4800
Denver CO 80202

MAILED
JUN 15 2011
OFFICE OF PETITIONS

In re Application of :
Michael Romanko :
Application No. 29/365,553 : DECISION ON PETITION
Filed: July 9, 2010 :
Attorney Docket No. :
16257.852USD01

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 20, 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 February 1, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 1, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 2, 2011. A Notice of Abandonment was mailed on March 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 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.

In order to have the CPA filed on March 25, 2011, a petition under 37 CFR 1.313(c)(3), to withdraw application from issue after payment of issue fee because the issue fee payment has been received.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571)272-2991.

This application is being referred to Office of Data Management for further processing in accordance with this decision on petition.

/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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SUITE 4800
DENVER, CO 80202

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Michael Romanko	:	DECISION GRANTING PETITION
Application No. 29/365,553	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: July 9, 2010	:	
Attorney Docket No. 16257.852USD01	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed August 23, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED** *nunc pro tunc*.

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 25, 2011 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 March 9, 2011.

The Technology Center was without authority to act further in the case absent a grantable petition reviving this application after abandonment. Nevertheless, in view of this decision on petition the CPA is now considered a proper filing and the actions of the Technology Center taken thereafter are hereby ratified.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquires regarding the status or examination of this application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 2916 for processing of the CPA and consideration of the information disclosure statement previously filed March 9, 2011.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions