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MAILED

MAY 24 2011

OFFICE OF PETITIONS

**Berenbaum Weinshienk PC
370 Seventeenth Street
Republic Plaza, Suite 4800
Denver CO 80202**

In re Application of :
Michael Romanko :
Application No. 29/365,555 : **ON PETITION**
Filed: July 9, 2010 :
Attorney Docket No. 16257.851USD01 :

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.

This 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. Accordingly, the date of abandonment of this application is February 2, 2011. 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.

Also, because the issue fee has already been paid, a petition to withdraw an application from issue under 37 CFR 1.313(c)(3) must be filed in order to have the CPA filed on March 25, 2011 considered.

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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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. 29/365,555 : DECISION ON PETITION
Filed: July 9, 2010 :
Attorney Docket No. :
16257.851USD01 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 25, 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



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BERENBAUM WEINSHIENK, PC
370 SEVENTEENTH STREET
REPUBLIC PLAZA
SUITE 4800
DENVER, CO 80202

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In re Application of :
Michael Romanko : DECISION GRANTING PETITION
Application No. 29/365,555 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: July 9, 2010 :
Attorney Docket No. 16257.851USD01 :

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**.

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.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries 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



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OCT 25 2010

OFFICE OF PETITIONS

**DIEHL SERVILLA LLC
33 WOOD AVE SOUTH
SECOND FLOOR, SUITE 210
ISELIN NJ 08830**

In re Application of :
SWEENEY, Sean et al. :
Application No. 29/365,611 :
Filed: July 12, 2010 :
Attorney Docket No. **A0224-00D2** :

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 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**



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MAILED

MAR 31 2011

OFFICE OF PETITIONS

**MOSER IP LAW GROUP / ANSELL LIMITED
1030 BROAD STREET
SUITE 203
SHREWSBURY NJ 07702**

In re Application of :
Sean Sweeney et al :
Application No. 29/365,611 : **ON PETITION**
Filed: July 12, 2010 :
For: GLOVE :

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

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

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

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

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

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

By fax: (571) 273-8300
 ATTN: Office of Petitions

By internet: EFS-Web
 www.uspto.gov/ebc/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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MOSER TABOADA/ANSELL LIMITED
1030 BROAD STREET
SUITE 203
SHREWSBURY NJ 07702

MAILED
JUN 06 2011
OFFICE OF PETITIONS

In re Application of :
Sean Sweeney et al :
Application No. 29/365,611 : DECISION ON PETITION
Filed: July 12, 2010 :
Attorney Docket No. A0224-00D2 :

This is a decision on the renewed 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 file corrected drawings, as required by the Notice of Allowability mailed September 23, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 24, 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 drawings, (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 timely submit corrected drawings as required by the Notice of September 23, 2010 is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110926

DATE : September 26, 2011

TO SPE OF : ART UNIT 2917

SUBJECT : Request for Certificate of Correction on Patent No.: D637,116

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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RANKIN, HILL & CLARK LLP
38210 GLENN AVENUE
WILLOUGHBY, OH 44094-7808

MAILED
MAR 10 2011
OFFICE OF PETITIONS

In re Application of :
Steven Lindseth, et al. :
Application No. 29/365,756 : **DECISION ON PETITION**
Filed: July 14, 2010 :
Attorney Docket No. ZUZ-33394 :

This is a decision on the petition, filed January 21, 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 **DISMISSED**.

This application was held abandoned for failure to reply to the Notice of Allowability (Notice) mailed April 19, 2007 which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on August 14, 2007.

A review of the record discloses that the petitioner timely filed the issue and publication fees to the Notice of Allowance and Fee(s) due, however, the petitioner failed to file a reply to the Notice of Allowability mailed September 20, 2010. The Notice of Allowability required applicant to file corrected drawings. Petitioner states that a telephone conversation with the Examiner on September 9, 2010, the Examiner indicated that an election would place the case in condition for allowance if Examiner could cancel Embodiment II (figure 9) by way of Examiner's Amendment. Further, petitioner consented to an amendment to the specification to eliminate any reference to Fig 9. Petitioner further states that a second telephone interview was held with Examiner's supervisor on January 11, 2011 which is after the application was held abandoned. The Supervisory Examiner indicated that the box requiring replacement drawings was checked in error as the drawing submitted are accepted as originally filed; and consequently, that there were no requirements made for corrected drawings. The Office has no recorded interview summary to confirm the acceptance of the drawings as originally filed. To date there is not there is no record of the Interview summary was mailed. Since the petitioner neglected to file some type of response to the requirements listed in the Notice of Allowability prior to the abandonment of the application, the application is considered properly abandoned.

In view of the above, the petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment cannot be granted at the present time.

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 non-provisional 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.

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 petition form (PTO/SB/64) and pay the \$810.00 petition fee.

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 April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office Data Management at their hotline 571-272-4200.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement;



UNITED STATES PATENT AND TRADEMARK OFFICE

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RANKIN, HILL & CLARK LLP
38210 GLENN AVENUE
WILLOUGHBY, OH 44094-7808

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of :
Steven Lindseth, et al. :
Application No. 29/365,756 : **DECISION ON PETITION**
Filed: July 14, 2010 :
Attorney Docket No. ZUZ-33394 :

This is a decision on the renewed petition, filed April 4, 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 **DISMISSED**.

This application was held abandoned for failure to reply to the Notice of Allowability (Notice) mailed April 19, 2007 which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on August 14, 2007.

A review of the record discloses that the petitioner timely filed the issue and publication fees to the Notice of Allowance and Fee(s) due, however, the petitioner failed to file a reply to the Notice of Allowability mailed September 20, 2010. The Notice of Allowability required applicant to file corrected drawings. Petitioner states that a telephone conversation with the Examiner on September 9, 2010, the Examiner indicated that an election would place the case in condition for allowance if Examiner could cancel Embodiment II (figure 9) by way of Examiner's Amendment. Further, petitioner consented to an amendment to the specification to eliminate any reference to Fig 9. Petitioner further states that a second telephone interview was held with Examiner's supervisor on January 11, 2011 which is after the application was held abandoned. The Supervisory Examiner indicated that the box requiring replacement drawings was checked in error as the drawings submitted are accepted as originally filed, but the interview summary was not made officially of record until April 4, 2011 specifically that there were no requirements made for corrected drawings. Further, a timely posting of an interview summary still would not have corrected the problem as applicant was required to officially respond to any and all requirements of the Notice of Allowability whether or not it had been indicated in a telephone conversation that a requirement was in error. Without the examiner sending out a corrected Notice of Allowability, applicant was still held to all the requirements of the Notice of Allowability mailed September 20, 2010. Since the petitioner neglected to file some type of

By hand: U. S. Patent and Trademark Office
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401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office Data Management at their hotline 571-272-4200.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement;



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**SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA, CA 91791**

MAILED

JUN 13 2011

In re Application of :
Steven Lindseth, et al. :
Application No. 29/365,756 : **OFFICE OF PETITIONS**
Filed: July 14, 2010 : **DECISION ON PETITION**
Attorney Docket No. ZUZ-33394 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 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 December 20, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 20, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 21, 2010. A Notice of Abandonment was mailed on January 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 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 draftsman.

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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**CALLAWAY GOLF COMPANY
2180 RUTHERFORD ROAD
CARLSBAD CA 92008-7328**

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
HOLT, et al :
Application No. 29/365,777 : **DECISION ON PETITION**
Filed: July 14, 2010 :
Attorney Docket No. PD2427 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed February 14, 2011, which set a period for reply of **three (3) months**. Accordingly, this application became abandoned on 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 replacement drawings; (2) the petition fee of \$1620; (3) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

The Terminal Disclaimer is accepted and has been recorded.

The replacement drawings filed June 29, 2011, have been accepted 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 patent processing.

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



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HOVEY WILLIAMS LLP
10801 MASTIN BLVD SUITE 1000
OVERLAND PARK KS 66210

MAILED
AUG 26 2011
OFFICE OF PETITIONS

In re Application of :
Michael E. Jansen :
Application No. 29/365,779 : DECISION ON PETITION
Filed: July 14, 2010 :
Attorney Docket No. 41946-DSG :

This is in response to the petition to revive the instant application under 37 CFR 1.137(b), filed August 17, 2011.

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 April 22, 2011. This Notice set a statutory period for reply of three (3) months. No drawings having been received, the application became abandoned on July 23, 2011. The Office mailed a Notice of Abandonment on August 5, 2011.

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

Application No. 29/365,779

Page 2

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.

A handwritten signature in black ink, appearing to read 'Cliff Congo', written in a cursive style.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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May 24, 2011

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of :
Sanders, David et al : **DECISION ON PETITION**
Application No. 29/365,832 :
Filed: 07/15/2010 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 09065.0023-01000 : **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) July 15, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

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

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120321

DATE : March 21, 2012

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction on Patent No.: D641077

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

SHENZHEN ACT INDUSTRIAL CO., LTD
Room 813
Coldfield Industrial Center
1 Shui Wo Road
Fotan, New Territories HK HONG KONG

In re Application of

LIU, GANG

Application No.: 29/365,866

Filing or 371(c) Date: July 15, 2010

Attorney Docket Number: 34111

APR 25 2011

:
: DECISION ON
: PETITION
:

This is a decision on the Petition to Withdraw Holding of Abandonment under 37CFR § 1.81 (a), received in the United States Patent and Trademark Office (USPTO) on March 25, 2011.

This petition is **GRANTED**.

The application was held abandoned for failure to timely pay the required issue fee and publication fee as required by the Notice of Allowance, mailed October 19, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on February 1, 2011.

Petitioner states that the issue fee transmittal was timely facsimile via the USPTO on December 10, 2010. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission.

In view of the foregoing, the holding of abandonment for failure to timely paying issue and publication 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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ARENT FOX LLP AND CARDINAL HEALTH, INC.
1050 CONNECTICUT AVE., N.W.
SUITE 400
WASHINGTON, DC 20036

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of :
Hall et al. :
Application No. 29/365,926 : **DECISION ON PETITION**
Filed: July 16, 2010 :
Attorney Docket No. 029714.00668 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 4, 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 13, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 15, 2011. A Notice of Abandonment was mailed March 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 replacement drawings, (2) the petition fee of \$1,620, (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 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.

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

**KLEMCHUK KUBASTA LLP
8150 N CENTRAL EXPRESSWAY
SUITE 1150
DALLAS TX 75206**

MAILED

JUN 23 2011

In re Application of : OFFICE OF PETITIONS
Thomas Edwin Greene, Jr. :
Application No. 29/365,952 : DECISION ON PETITION
Filed: July 16, 2010 :
Attorney Docket No. 0989-0093 :

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 **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 14, 2011. Accordingly, the date of abandonment of this application is May 17, 2011. A Notice of Abandonment was mailed May 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 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.

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

CALLAWAY GOLF COMPANY
2180 RUTHERFORD ROAD
CARLSBAD CA 92008-7328

MAILED

JUL 19 2011

OFFICE OF PETITIONS

In re Application of :
Chris J. Wieland :
Application No. 29/365,956 : DECISION ON PETITION
Filed: July 16, 2010 :
Attorney Docket No. PD2438 :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely submit formal drawings on or before May 16, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 14, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 17, 2011. A Notice of Abandonment was mailed on 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 the replacement drawings, (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. 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 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

DATE : 07/14/11

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29366082 Patent No.: D639011

CofC mailroom date: 06/27/11

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**



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.

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

AV: 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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**JERRY HAYNES LAW
2 N OAKDALE AVENUE
MEDFORD OR 97501**

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
LANE :
Application No. 29/366,164 : DECISION ON PETITION
Filed: October 6, 2010 :
Attorney Docket No. 298-537 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 31, 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 February 10, 2011, which set a period for reply of **three (3) months**. Accordingly, this application became abandoned on May 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 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

CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON, FL 33487

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of :
Michael Garcia, et. al. :
Application No. 29/366,337 : ON PETITION
Filed: July 23, 2010 :
Attorney Docket No. 1027-043D :

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

The application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance and Fee(s) mailed 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 unintentional¹; 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) above.

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 thereof². See MPEP 711.03(c)(III)(A)(1). The filing of a continuing application is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1). Therefore, the present petition is **dismissed**.

¹ 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 Since the Request for Continued Examination (RCE) filed on April 5, 2011 was improper, the \$405 submitted will be applied towards the required \$430 issue fee payment. Thus, the balance of \$25 must be submitted.

The terminal disclaimer under 37 CFR 1.137(d), filed April 20, 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.

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:

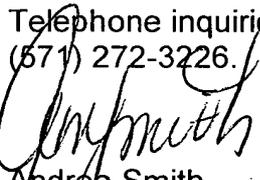
By mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

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.

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

CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON, FL 33487

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of :
Michael Garcia, et. al. :
Application No. 29/366,337 : **ON PETITION**
Filed: July 23, 2010 :
Attorney Docket No. 1027-043D :

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

In response to the decision mailed May 23, 2011, petitioner submits the present renewed petition along with the \$25 issue fee deficiency on June 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 a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) and \$430 for payment of the 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).

The terminal disclaimer filed May 24, 2011, 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.

This application is being referred to Technology Center Art Unit 2916 for processing of the CPA.

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

MAILED

MAR 17 2011

OFFICE OF PETITIONS

**Loginov & Associates, PLLC
10 Water Street
Concord, New Hampshire 03301**

In re Application of :
Katherine D. HASKELL : DECISION GRANTING PETITION
Application No. 29/366,455 : UNDER 37 CFR 1.137(b)
Filed: 26 July 2010 :
Atty. Docket No.: 176/0001DPD1 :

This is a decision on the petition under 37 CFR 1.137(b), filed 13 January 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 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 12 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 new drawings, issue fee (paid November 15, 2010), (2) a petition fee of \$810.00 (small entity), (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.

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.

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 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

NOTARO, MICHALOS & ZACCARIA, PC
100 DUTCH HILL ROAD
ORANGEBURG, NY 10962

MAILED
AUG 16 2010
OFFICE OF PETITIONS

In re Application of	:	
Fred Hollinger	:	
Application No. 29/366,551	:	DECISION ON PETITION
Filed: July 27, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. J137-1515 DIV1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 27, 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 signed by 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 forwarded to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

/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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NOTARO, MICHALOS & ZACCARIA, PC
100 DUTCH HILL ROAD
ORANGEBURG, NY 10962

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of

Fred Hollinger

Application No. 29/366,563

Filed: July 27, 2010

Attorney Docket No. J137-1515 DIV2

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 July 27, 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 signed by 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 forwarded to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

/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
www.uspto.gov

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

MAILED

MAR 11 2011

In re Application of	:	OFFICE OF PETITIONS
Skull, et al.	:	
Application No. 29/366,584	:	NOTICE
Filed: July 27, 2010	:	
Attorney Docket No. 3156.322US02	:	

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 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) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
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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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Qualls, et al. : DECISION GRANTING STATUS
Application No. 29/366,671 : UNDER 37 CFR 1.47(a)
Filed: July 28, 2010 :
Attorney Docket No. 320513-64398 :

This is in response to the petition under 37 CFR 1.47(a), filed December 2, 2010.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to execute the declaration after having been presented with the complete application papers for 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 pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



] UNITED STATES PATENT AND TRADEMARK OFFICE

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

Nick Kovalkevich
3843 Manor House Drive
Marietta, GA 30062-5172

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of
Qualls, et al.
Application No. 29/366,671
Filed: July 28, 2010
Attorney Docket No. 320513-64398

Dear Sir:

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 the undersigned at (571) 272-3205. 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).

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

cc: KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118



UNITED STATES PATENT AND TRADEMARK OFFICE

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

CONFIRMATION NO. 1017

SERIAL NUMBER 29/366,671	FILING OR 371(c) DATE 07/28/2010 RULE 1.47	CLASS D13	GROUP ART UNIT 2913	ATTORNEY DOCKET NO. 320513-64398
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APPLICANTS

Lee Qualls, Milton, GA;
 Layna Mendlinger, Milton, GA;
 John Bear, Milton, GA;
 Chris Morin, Milton, GA;
 Rex Holliday, Milton, GA;
 Nick Kovalkevich, Milton, GA;
 T. Bruce Montgomery, Milton, GA;
 David Thimm, Walled Lake, MI;

** CONTINUING DATA *****

** FOREIGN APPLICATIONS *****

IF REQUIRED, FOREIGN FILING LICENSE GRANTED

** 08/05/2010

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY GA	SHEETS DRAWING 4	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature	Initials		

ADDRESS

27160

TITLE

FLAT PLATE BATTERY

FILING FEE RECEIVED 590	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit



UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of :
Qualls, et al. : DECISION GRANTING STATUS
Application No. 29/366,673 : UNDER 37 CFR 1.47(a)
Filed: July 28, 2010 :
Attorney Docket No. 320513-64399 :

This is in response to the petition under 37 CFR 1.47(a), filed December 2, 2010.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to execute the declaration after having been presented with the complete application papers for 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 pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



] UNITED STATES PATENT AND TRADEMARK OFFICE

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

Nick Kovalkevich
3843 Manor House Drive
Marietta, GA 30062-5172

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of
Qualls, et al.
Application No. 29/366,673
Filed: July 28, 2010
Attorney Docket No. 320513-64399

Dear Sir:

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 the undersigned at (571) 272-3205. 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).

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

cc: KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118



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UNITED STATES DEPARTMENT OF COMMERCE
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Bib Data Sheet

CONFIRMATION NO. 1156

Table with 5 columns: SERIAL NUMBER (29/366,673), FILING OR 371(c) DATE (07/28/2010), CLASS (D13), GROUP ART UNIT (2913), ATTORNEY DOCKET NO. (320513-64399)

APPLICANTS

Lee Qualls, Milton, GA;
Layna Mendlinger, Milton, GA;
John Bear, Milton, GA;
Chris Morin, Milton, GA;
Rex Holliday, Milton, GA;
Nick Kovalkevich, Milton, GA;
T. Bruce Montgomery, Milton, GA;
David Thimm, Walled Lake, MI;

** CONTINUING DATA *****

** FOREIGN APPLICATIONS *****

IF REQUIRED, FOREIGN FILING LICENSE GRANTED

** 08/05/2010

Table with 5 columns: Foreign Priority claimed, 35 USC 119 (a-d) conditions, STATE OR COUNTRY (GA), SHEETS DRAWING (4), TOTAL CLAIMS (1), INDEPENDENT CLAIMS (1)

ADDRESS

27160

TITLE

FLAT PLATE BATTERY

Table with 2 columns: FILING FEE RECEIVED (590), FEES: Authority has been given in Paper... and a list of fee checkboxes (All Fees, 1.16 Fees, 1.17 Fees, 1.18 Fees, Other, Credit)

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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P.O. Box 1450
Alexandria, VA 22313-1450
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KIRK A. BUHLER
BUHLER & ASSOCIATES PATENT LAW
SUITE 208
1101 CALIFORNIA AVE
CORONA, CA 92881

MAILED

OCT 17 2011

OFFICE OF PETITIONS

In re Application of :
Travis P. Spatter et al :
Application No. 29/366,685 :
Filed: July 28, 2010 :
Attorney Docket No. TS01-01D :

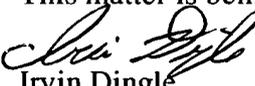
ON PETITION

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

The petition is **GRANTED**.

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

This matter is being referred to Technology Center AU 2914 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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MACCORD MASON PLLC
300 N. GREENE STREET, SUITE 1600
P.O. BOX 2974
GREENSBORO, NC 27402

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of :
Lisa Allred :
Application No. 29/366,754 : DECISION ON PETITION
Filed: July 29, 2010 : UNDER 37 CFR 1.313(c)
Attorney Docket No. 9346-002 :

This is a decision on the petition under 37 CFR 1.313(c), filed April 19, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

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).

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 Irvin Dingle at (571) 272-3210.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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MACCORD MASON PLLC
300 N. GREENE STREET, SUITE 1600
P.O. BOX 2974
GREENSBORO, NC 27402

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of :
Lisa Allred : DECISION GRANTING PETITION
Application No. 29/366,754 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: July 29, 2010 :
Attorney Docket No. 9346-002 :

This is a decision on the renewed petition filed June 7, 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 7, 2011.

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

This matter is being referred to Technology Center AU 2916 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions



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

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of :
Gregory Michael Hogan :
Application No. 29/366,900 : ON PETITION
Filed: July 30, 2010 :
For: POWER ADAPTOR HOUSING :

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

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).

The terminal disclaimer submitted on March 8, 2011, is not signed by an attorney of record as required.

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



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HEAD, JOHNSON & KACHIGIAN
228 W. 17TH PLACE
TULSA OK 74119

MAILED

SEP 08 2011

OFFICE OF PETITIONS

In re Application of :
HOGAN :
Application No. 29/366,900 : DECISION ON PETITION
Filed: July 30, 2010 :
Attorney Docket No. BA1525-1048/11326 :
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirement 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 \$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 timely submit corrected drawings as required by the Notice of Allowance/Notice of Allowability mailed November 10, 2010 is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

This application is being referred to the Office of Data Management for further processing and review of the drawings submitted with the petition.

KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST PAUL MN 55133-3427

MAILED
OCT 12 2011
OFFICE OF PETITIONS

In re Application of :
Peuker, et al. :
Application No. 29/366,912 : ON PETITION
Filed: July 30, 2010 :
Attorney Docket No. 65970US007 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 23, 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 March 7, 2011. This Office action set a shortened statutory 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 application became abandoned on June 8, 2011. The Office mailed a Notice of Abandonment on September 30, 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).

The instant petition lacks item (4). The instant application is a design application, and accordingly requires a terminal disclaimer and accompanying fee. See 37 CFR 1.137(d).

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



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Commissioner for Patents
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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST PAUL MN 55133-3427

MAILED
NOV 17 2011
OFFICE OF PETITIONS

In re Application of :
Peuker, et al. :
Application No. 29/366,912 : ON PETITION
Filed: July 30, 2010 :
Attorney Docket No. 65970US007 :

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed November 7, 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 March 7, 2011. This Office action set a shortened statutory 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 application became abandoned on June 8, 2011. The Office mailed a Notice of Abandonment on September 30, 2011. Applicants filed a petition to revive under 37 CFR 1.137(b) on September 23, 2011. However, the petition was dismissed in a decision mailed on October 12, 2011. The petition was dismissed because applicants did not submit the required terminal disclaimer.

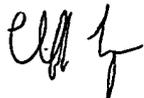
With the instant renewed petition, applicants have filed a terminal disclaimer. The other requirements of a grantable petition were previously satisfied on September 23, 2011.

Application No. 29/366,912

Page 2

The application is being forwarded to Group Art Unit 2916 for consideration of the Amendment filed September 23, 2011.

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

A handwritten signature in black ink, appearing to read 'Cliff Congo', with a stylized flourish at the end.

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

HART IP LAW AND STRATEGIES, LLC
602 Park Point Drive
Suite 280
Golden CO 80401

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Application of :
Goran :
Application No. 29/366,930 :
Filed: August 1, 2010 :
Attorney Docket No. TMO.0110DPUS :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 5, 2011, to revive the above-identified application.

The application became abandoned September 22, 2011 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due and the Notice of Allowability (Notices), mailed June 21, 2011. The Notices set a set a three month statutory period of time for reply. Notice of Abandonment was mailed October 6, 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 fails to satisfy requirements (1) and (4) set forth above.

With respect to requirement (1) set forth above, the instant application is not accompanied by the corrected formal drawings required by the Notice of Allowability mailed June 21, 2011.

Any request for reconsideration must include the corrected formal drawings.

With respect to 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
Attorney Advisor
Office of Petitions



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HART IP LAW AND STRATEGIES, LLC
602 Park Point Drive
Suite 280
Golden CO 80401

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
Goran : DECISION ON PETITION
Application No. 29/366,930 :
Filed: August 1, 2010 :
Atty. Dkt. No.: TMO.0110DPUS :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 5, 2011.

The petition is **GRANTED**.

The application became abandoned September 22, 2011 for failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due and the Notice of Allowability (Notices), mailed June 21, 2011. The Notices set a set a three month statutory period of time for reply. Notice of Abandonment was mailed October 6, 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



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United States Patent and Trademark Office
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LAW OFFICE OF GERARD F. DUNNE, PC
156 FIFTH AVENUE, SUITE 1223
NEW YORK NY 10010

MAILED
JUN 30 2011
OFFICE OF PETITIONS

In re Application of :
Fred CATAPANO et al. :
Application No. 29/366,979 : DECISION ON PETITION
Filed: August 02, 2010 :
Attorney Docket No. 216-154D :

This is a decision on the petition under 37 CFR 1.137(b), filed March 24, 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 March 02, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 02, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 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 the \$430.00 issue fee, (2) the petition fee of \$810.00, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee 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 for further processing in accordance with this decision on petition.


Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/366,980	08/02/2010	Clancy Gerald Boyer	D-1699	5875
27752	7590	02/28/2012	EXAMINER	
THE PROCTER & GAMBLE COMPANY			MORRIS, SANDRA L	
Global Legal Department - IP			ART UNIT	PAPER NUMBER
Sycamore Building - 4th Floor			2912	
299 East Sixth Street			MAIL DATE	DELIVERY MODE
CINCINNATI, OH 45202			02/28/2012	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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February 27, 2012

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

In re Application of :
BOYER, CLANCY GERALD : **DECISION ON PETITION**
Application No.29/366,980 :
Filed: 08/02/2010 : **ACCEPTANCE OF COLOR**
Attorney Docket No. D-1699 : **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) August 02, 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, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The 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 requirements above. Therefore, the petition is **GRANTED**.

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

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110314

DATE : March 14, 2011

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D631897

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

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

MAILED
MAR 02 2012
OFFICE OF PETITIONS

In re Application of :
Boyer et al. :
Application No. 29/366993 : **DECISION ON**
Filing or 371(c) Date: 08/02/2010 : **PETITION**
Attorney Docket Number: :
D-1711 :

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b), filed January 23, 2012.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 17, 2012, as required by the Notice of Allowance and Fee(s) Due, mailed October 17, 2011. Accordingly, the date of abandonment of this application is January 18, 2012.

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 and the publication fee; (2) the petition fee; and (3) a proper statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/367,002	08/02/2010	Clancy Gerald Boyer	D-1728	6031

27752 7590 03/21/2012
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER

MORRIS, SANDRA L

ART UNIT	PAPER NUMBER
2912	

MAIL DATE	DELIVERY MODE
03/21/2012	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

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

In re Application of :
Clancy Gerald Boyer et al. : **DECISION ON PETITION**
Application No. 29367002 :
Filed: 08/02/2010 : **ACCEPTANCE OF COLOR**
Attorney Docket No. **D-1728** : **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) August 2, 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 inquiries 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

In re Application of
William C. Young

:
:

Application No. 29367006

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

Filed:

:

Attorney Docket No. 10-224

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 05-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.



UNITED STATES 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.

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Patent No. D633720 :
Blanchard et al. : DECISION ON
Application No. 29/367,081 : PETITION
Filed: August 3, 2010 :
Atty Docket No. JDC5050USDP4 :

This is a decision on the "Petition Under 37 C.F.R. § 1.182 to Correct Inventors' Names and Submission of Supplemental Declaration Under 37 C.F.R. § 1.67(a)(2)," filed April 12, 2011, requesting correction of two of the inventors' names on letters patent by Certificate of Correction.

The petition is **GRANTED**.

Patentee petitions to correct the names of inventors Stephen J. Blanchard and Justin E. McDonough as follows:

Steven Blanchard as Stephen J. Blanchard and
Justin McDonough as Justin E. McDonough

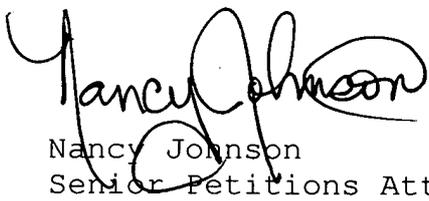
Petitioner provides a declaration and power of attorney signed by the above inventors in their corrected names. The declarations of record show the inventors' names were provided as Steve Blanchard and Justin McDonough. There is no indication of a change in legal name of either inventor. Rather, the indication is that there was an uncorrected spelling error in the original presentation of the inventors' names to the Office that led to the patent being issued with the uncorrected names.

The record supports a conclusion that this mistake was not the fault of the Office. Additionally, petitioner submits both the

petition fee of \$400 (via authorization to charge any required fees to the Deposit Account) and the certificate of correction fee of \$100, as well as, a Certificate of Correction to be used in correcting this error.

The matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

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

A handwritten signature in black ink that reads "Nancy Johnson". The signature is written in a cursive style with a large, looping initial "N".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120330

DATE : March 29, 2012

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D635932

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

May 18, 2011

SUGHRUE-265550
2100 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20037-3213

Re Application of
AKIBA, MASARU
Application: 29/367090
Filed: 08/03/2010
Attorney Docket No: Q120084

: **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) August 3, 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/367,090	08/03/2010	Masaru AKIBA	Q120084	7304
7590 05/20/2011				
SUGHRUE-265550				
2100 PENNSYLVANIA AVE. NW				
WASHINGTON, DC 20037-3213				
EXAMINER				
OLIVER, CATHERINE RENEE				
ART UNIT		PAPER NUMBER		
2914				
NOTIFICATION DATE		DELIVERY MODE		
05/20/2011		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

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	29367151	Confirmation Number	8553	Filing Date	2010-08-03
Attorney Docket Number (optional)	5507678	Art Unit		Examiner	
First Named Inventor	Sonia St. James				
Title of Invention	TOWEL				

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
Sonia		St. James	

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)	2010-09-14
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Sonia St. James

:
:

Application No. 29367151

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

Filed: August 25, 2010

:

Attorney Docket No. TR90703

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 14-SEP-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.



UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Patent No. : D642,454
Serial No. : 29/367,460
Inventor(s) : Santoimmo
Issued : August 2, 2011
Title : CUP SHAPED CONTAINER
Docket No. : 058158/407187

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 37 CFR 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 Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

The Assignment data shows the correct name to be --Primo Products, LLP--, however, it must be shown on the 85B during the time of the issue fee transmittal is submitted. Therefore, it is not the fault of the office.

In view of the foregoing, your request is denied.

Further correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch along with the appropriate fee of 100.00.

/Ernest C. White/ *LIE*
(571) 272-3385
Mary F. Diggs – Supervisor
(703) 756-1580
Decisions & Certificates
of Correction Branch

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

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.

Tasneem Siddiqui

For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 11/22/2011

Address: C. Brant Cook
The Proctor & Gamble Company
Intellectual Property Division
Sycamore Building, 4th Floor
299 East Sixth Street
Cincinnati, OH 45202

ts/

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	29367563	Confirmation Number	5920	Filing Date	2010-08-10
Attorney Docket Number (optional)	8399713	Art Unit		Examiner	
First Named Inventor	Carole Maureen Katz				
Title of Invention	Lollipop				

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
Carole	Maureen	Katz	

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)	2010-08-10
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Carole Maureen Katz

:
:

Application No. 29367563

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

Filed:

:

Attorney Docket No. 8399713

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 10-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.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450

Mr. John Nielsen
RANDICK O'DEA & TOOLIATOS, LLP
5000 HOPYARD ROAD, SUITE 400
PLEASANTON CA 94588

MAILED
APR 05 2011
OFFICE OF PETITIONS

In re Application of :
Marilyn A. SEARCY : DECISION GRANTING PETITION
Application No. 29/367,693 : UNDER 37 CFR 1.137(b).
Filed: 11 August 2010 :
Atty. Docket No.: S1062.013 :

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**.

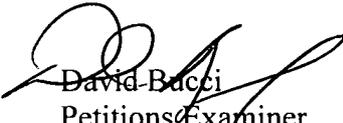
The Application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due action mailed 15 September 2010 ("Notice"), which set a statutory reply period of three (3) months. The application thus became abandoned on 16 December 2010, with notification mailed 3 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 submission of new drawings, (2) a petition fee of \$810.00 (small entity), (3) a terminal disclaimer, plus fee, and (4) a Statement of unintentional delay. 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 (571-272-6051).

The application file will be referred to Office of Data Management for further action on the filed Response.



David Bacci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Frank Sabato

:
:

Application No. 29367697

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

Filed:

:

Attorney Docket No. 4619P3522des

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-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.



SHEN-SHING LIN
P.O. BOX 90
TAINAN CITY 70499 TW TAIWAN

MAILED

JUN 16 2011

In re Application of
Shen-Shing Lin
Application No. 29/367,704
Filed: August 11, 2010
Attorney Docket No. AMD-4221

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition filed May 31, 2011, to correct the spelling of the name of the inventor, which is being treated under 37 CFR 1.182.

Petitioner argues that the spelling of the sole inventor's name is Shin-Sheng Lin and not Shen-Shing Lin as was typed on the declaration. Petitioner requests a correction of the spelling of the inventor's name.

While the request has been made, petitioner has not paid the petition fee in the amount of \$400.00 and since no authorizations for debiting a deposit account for any deficiencies have been granted, the merits of the petition can not be addressed.

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. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision.

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 regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



SHEN-SHING LIN
P.O. BOX 90
TAINAN CITY 70499 TW TAIWAN

MAILED

JUL 25 2011

OFFICE OF PETITIONS

In re Application of
Shen-Shing Lin
Application No. 29/367,704
Filed: August 11, 2010
Attorney Docket No. AMD-4221

DECISION ON PETITION

This is a decision on the renewed petition filed July 11, 2011, to correct the spelling of the name of the inventor, which is being treated under 37 CFR 1.182.

In a petition filed May 31, 2011, petitioner argued that the spelling of the sole inventor's name is Shin-Sheng Lin and not Shen-Shing Lin as was typed on the declaration. Petitioner requested a correction of the spelling of the inventor's name. The petition was dismissed in a decision mailed June 16, 2011 because the request was filed without the required petition fee in the amount of \$400.00 and since no authorizations for debiting a deposit account for any deficiencies have been granted, the merits of the petition could not be addressed.

Comes now petitioner with the renewed request and with a corrected declaration, however, the petition fee has still not been paid. Before the petition can be acted upon, the petition fee must be paid.

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. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision.

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 regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



SHIN-SHENG LIN
P.O. BOX 90
TAINAN CITY 70499 TW TAIWAN

MAILED

SEP 21 2011

In re Application of
Shin-Sheng Lin
Application No. 29/367,704
Filed: August 11, 2010
Attorney Docket No. AMD-4221

: OFFICE OF PETITIONS

: DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.182 filed September 13, 2011, to change the name of the inventor due to error on the part of the applicant.

The petition is **GRANTED**.

Petitioner argues that the spelling of the sole inventor's name is Shin-Sheng Lin and not Shen-Shing Lin as was typed on the declaration. Petitioner requests a correction of the spelling of the inventor's name. A declaration by the inventor explains how the error occurred, that while the name was typed incorrectly, it was signed correctly. Although the "without deceptive intent statement" was not included in the petition, the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

In view of the instant request, the following inventor name data will be changed.

Inventor SHIN-SHENG LIN

A Corrected Filing Receipt, which reflects the correct name of the inventor accompanies this decision on petition.

This matter is being referred to the Publishing Division.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 29/367,704, 08/11/2010, 2917, 230, AMD-4221, |, |

CONFIRMATION NO. 8764

CORRECTED FILING RECEIPT



SHIN-SHENG LIN
P.O. BOX 90
TAINAN CITY, 70499
TAIWAN

Date Mailed: 09/20/2011

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)

Shin-Sheng Lin, Tainan, TAIWAN;

Power of Attorney: None

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: 08/18/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 29/367,704

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

CUP COVER

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 Assets Control, 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).



SHEN-SHING LIN
P.O. BOX 90
TAINAN CITY 70499 TW TAIWAN

MAILED
NOV 09 2011

OFFICE OF PETITIONS

In re Application of
Shen-Shing Lin
Application No. 29/367,704
Filed: August 11, 2010
Attorney Docket No. AMD-4221

DECISION ON PETITION

This is a decision on the Request For Refund filed October 14, 2011 which is being treated under 37 CFR 1.181.

The request is **GRANTED**.

A decision rendered September 21, 2011 corrected the spelling of the name of the inventor, from Shin-Sheng Lin and not Shen-Shing Lin as was typed on the declaration. It appears however that the petition fee in the amount of \$400 was charged twice, once on September 9, 2011 and then with the duplicate transmittal filed September 13, 2011.

In view thereof, upon petitioner's request, the duplicate petition fee in the amount of \$400 will be credited back to the credit card provided.

No further action will be taken in this matter.

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

In re Application of
Christopher Kelly

:
:

Application No. 29367949

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

Filed: August 16,2010

:

Attorney Docket No. CK100806

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 17-SEP-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.

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	29367949	Confirmation Number	3693	Filing Date	2010-08-16
Attorney Docket Number (optional)	CK100806	Art Unit		Examiner	
First Named Inventor	Christopher Kelly				
Title of Invention	MOHAWK WITH FIBER OPTIC TUFTS				

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)	2010-09-17
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 10 2011

OFFICE OF PETITIONS

**Glen Bowen
2415 Villa Creek
Kingwood TX 77339**

In re Application of :
Glen BOWEN : DECISION GRANTING PETITION
Application No. 29/367,979 : UNDER 37 CFR 1.137(b)
Filed: August 16, 2010 :
Atty. Docket No.: BOW920100003US1 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 6, 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 December 29, 2010 (Notice), which set a statutory period of reply of three (3) months. The application became abandoned on March 30, 2011, and a Notice of Abandonment was mailed April 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, (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 approved herewith.

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

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.
29/368,021	08/17/2010	Kiyofumi MORI	Q120020	4871
23373	7590	05/18/2011	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			BONDADE, NANDA	
			ART UNIT	PAPER NUMBER
			2912	
			NOTIFICATION DATE	DELIVERY MODE
			05/18/2011	ELECTRONIC

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

5/18/2011

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

In re application of :
Kiyofumi Mori, et al. :
Application No. 29/368,021 :
Filed: August 17, 2010 :
For: **DIAPHRAGM FOR A SPEAKER** :

**DECISION ON PETITION TO
EXPUNGE INFORMATION
UNDER 37 CFR § 1.59**

This is a decision on the petition under 37 CFR 1.59(b), filed November 12, 2010, to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that information contained in a Confidential Information Disclosure Statement under 37 CFR 1.56 and MPEP 724 and 724.02, filed November 12, 2010, be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protected order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtains its return would cause irreparable harm to the party who submitted the information or to the party of interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The information in question has been determined by the undersigned not to be material to the examination of the instant application.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Any questions regarding this letter should be directed to Richard Chilcot at (571) 272-6777.

Robert Olszewski
Director
Patent 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

DAVID W. HIGHER, VP & CHIEF IP COUNSEL
BECTON, DICKINSON AND COMPANY
(THE WEBB FIRM)
1 BECTON DRIVE, MC 110
FRANKLIN LAKES, NJ 07414-1880

MAILED

JUL 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert G. Ellis, et al.	:	
Application No. 29/368,025	:	ON PETITION
Filed: August 17, 2010	:	
Attorney Docket No.: 3896-101796 (P-8964/4)	:	

This is a decision in response to the petition, filed July 13, 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 June 17, 2011, as required by the Notice of Allowance and Fee(s) Due mailed March 17, 2011. A Notice of Abandonment was subsequently mailed on June 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 \$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 July 13, 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 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 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

cc: KIRK M. MILES
THE WEBB LAW FIRM
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD., SUITE 1200
PITTSBURGH, PA 15222



UNITED STATES 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 : **DECISION ON PETITION**
Application No. 29/368,057 : **TO WITHDRAW**
Filed: August 17, 2010 : **FROM RECORD**
Attorney Docket No. 10-6088 :

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.

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
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NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of :
Marc Zemel :
Application No. 29/368,057 :
Filed: August 17, 2010 :
Attorney Docket No. 10-6088 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

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

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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/368,057	08/17/2010	MARC ZEMEL	10-6088

28143
NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

CONFIRMATION NO. 5771
POWER OF ATTORNEY NOTICE



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



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SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON OH 44718-3615

MAILED
SEP 06 2011
OFFICE OF PETITIONS

In re Application of :
Oliver Stuke :
Application Number: 29/368,092 : **NOTICE**
Filing or 371(c) Date: 08/18/2010 :
Attorney Docket Number: 2610002US2AD :

This is a notice regarding your request for acceptance of a fee deficiency submission, which is treated under 37 CFR 1.28, filed on August 1, 2011.

The Office no longer investigates or rejects original or reissue patents under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.


Douglas Wood
Attorney
Office of Petitions



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FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE
BLDG. #3
LAWRENCEVILLE, NJ 08648

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Edward C. Cole :
Application No. 29/368,253 : ON PETITION
Filed: August 20, 2010 :
Attorney Docket No. 31606.00014 :

This is a decision on the petition, filed March 7, 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 November 18, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 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(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 granted 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
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P.O. BOX 1450
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FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE
BLDG. #3
LAWRENCEVILLE, NJ 08648

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of :
Edward C. Cole :
Application No. 29/368,253 :
Filed: August 20, 2010 :
Attorney Docket No. 31606.00014 :

ON PETITION

This is a decision on the renewed petition filed April 12, 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 formal drawings in a timely manner in reply to the Notice of Allowance mailed November 18, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 19, 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 formal drawings; (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



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In re Application of
Mohammed Hadi

:
:

Application No. 29368303

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

Filed: August 21,2010

:

Attorney Docket No. FG-MF-1112

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.

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	29368458	Confirmation Number	3678	Filing Date	2010-08-24
Attorney Docket Number (optional)	CK100512	Art Unit		Examiner	
First Named Inventor	Chrstopher Kelly				
Title of Invention	TRUMPETS WITH LIGHTS				

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)	2011-06-03
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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In re Application of
Christopher Kelly

:
:

Application No. 29368458

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

Filed: August 24, 2010

:

Attorney Docket No. CK100512

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 03-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



SINORICA, LLC
19785 CRYSTAL ROCK DRIVE
SUITE 207
GERMANTOWN MD 20874

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NOV 04 2011

OFFICE OF PETITIONS

In re Application of
Daniel Glen Hopkins
Application No. 29/368,481
Filed: August 24, 2010
Attorney Docket Number: TP-HOPD-HAL2

ON PETITION

This is a decision on the petition, filed October 21, 2011 under 37 CFR 1.137(b)¹, to revive the above identified application.

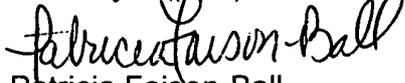
The petition is **GRANTED**.

This application became abandoned October 14, 2010 for failure to pay the issue fee and for failure to file corrected drawings in response to the Notice of Allowance and Notice of Allowability mailed on July 13, 2011. Accordingly, the Notice of Abandonment was mailed on October 27, 2011 after the filing of the instant petition.

The issue fee in the amount of \$495 and the petition fee in the amount of \$930 have been charged to the credit card provided. deposit account no. 14-0627 per the authorization included with the petition.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer and the fee, 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

¹Effective 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 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)).



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Oppedahl Patent Law Firm LLC (P&A)
P O Box 5940
Dillon CO 80435-5940

MAILED
MAR 01 2011
OFFICE OF PETITIONS

In re Application of :
Brian James Kelleghan :
Application No. 29/368,484 : **DECISION ON PETITION**
Filed: August 24, 2010 :
Attorney Docket No. **00001.D-0160-** :
300US

This is a decision on the petition under 37 CFR 1.182, filed, November 19, 2010, and supplemented on February 19, 2010, to correct the spelling of the inventor's name.

The petition is **DISMISSED AS MOOT**.

When a typographical error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required. See MPEP 605.04(b). Therefore, the petition is deemed to be unnecessary.

Our records indicate that on November 23, 2010, a new filing receipt was mailed with the correction of the inventor's name.

Any questions concerning this matter may be directed to JoAnne Burke at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions



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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

MAILED
AUG 15 2011
OFFICE OF PETITIONS

In re Application of :
Julemont :
Application No. 29/368,537 : DECISION
Filed/Deposited: 25 August, 2010 :
Attorney Docket No. CU-8559 :

This is a decision on the papers filed on 5 August, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action (drawings) mailed on 19 January, 2011, with reply due absent extension of time on or before 19 March, 2011.

The application went abandoned by operation of law after midnight 19 March, 2011.

The Office mailed the Notice of Abandonment on 26 July, 2011.

On 5 August, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—but the documents submitted—such as they are—are but pieces of pages and it is unclear what was sent, when, by whom (complete with the statements and documents as set forth in the guidance in the Commentary at MPEP §711.03(c)(I)).

Thus, as of this writing, Petitioner failed to complete the showing required.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to part as to timely filing:

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides prima facie evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.¹

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

¹ See: MPEP §711.03(c) (I)(B).

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

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.⁵

³ 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).

⁴ 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.)

⁵ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 29/368,537

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner pursuant to 37 C.F.R. §1.137(b) requesting revival of an application abandoned due to unintentional delay. (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.” (The statement is in the form available online.)

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

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

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

Application No. 29/368,537

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. §1.2⁶) 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

⁶ The regulations at 37 C.F.R. §1.2 provide
§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of :
Julemont :
Application No. 29/368,537 : **DECISION**
Filed/Deposited: 25 August, 2010 :
Attorney Docket No. CU-8559 :

This is a decision on the papers filed on 23 August, 2011, for revival of an application abandoned due to unintentional delay under 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 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 non-final Office action (drawings) mailed on 19 January, 2011, with reply due absent extension of time on or before 19 March, 2011.

The application went abandoned by operation of law after midnight 19 March, 2011.

The Office mailed the Notice of Abandonment on 26 July, 2011.

Application No. 29/368,537

On 5 August, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—but the documents submitted—such as they are—are but pieces of pages and it is unclear what was sent, when, by whom (complete with the statements and documents as set forth in the guidance in the Commentary at MPEP §711.03(c)(I)). The petition was dismissed on 15 August, 2011.

On 23 August, 2011, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b), with a reply in the form of drawings, with a statement of unintentional delay and 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

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.

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.)

Application No. 29/368,537

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

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 Technology Center/AU 2911 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

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).

Application No. 29/368,537

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. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Christopher J McArdle

:
:

Application No. 29368581

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

Filed:

:

Attorney Docket No. 10-23935

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 26-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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120302

DATE : March 01, 2012

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D646208

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

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P.O. Box 1450
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James C. Scott
Roetzel & Address
Suite 900
1375 East Ninth Street
Cleveland OH 44114

MAILED

JAN 11 2011

In re Application of :
Taylor, et al. : **OFFICE OF PETITIONS**
Application No.: 29/368,778 : **ON PETITION**
Filed: August 30, 2010 :
Attorney Docket No.: 109769.0286 :
For: THREE DIMENSIONAL GREETING CARD :

This is a decision on the petition under 37 CFR 1.47(a), filed October 28, 2010.

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. 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 non-signing inventor. **Failure to respond will result in abandonment of the application.**

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

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$200, and
- (4) the last known address of the omitted inventor(s).

This petition lacks items (1) and (2).

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 Chen, 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.

Petitioners have not demonstrated that all efforts were expended in trying to locate inventor non-signing Chen. Petitioners should state whether they have access to inventor Chen'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? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioners should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioners should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. Chen's 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. 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 applicants 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 applicants 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.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration contains non-initialed, non-dated alterations to information for Inventors Taylor and Talbot. 37 CFR 1.52(c) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed should be made on or before the signing of the accompanying oath or declaration pursuant to 1.63...." This includes the oath or declaration. The Office will not consider whether non-initialed and or non-dated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

Pursuant to 37 CFR 1.67(a)(2), Inventors Taylor and Talbot may correct their information on a supplemental declaration identifying the entire inventive entity and their information, but signed only by them.

It appears that Mr. Talbot desires a different spelling of his first name. When a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required. However, applicants are strongly encouraged to use an application data sheet such that any patent to issue will reflect the correct spelling of the inventor's name. Without an application data sheet with the corrected spelling, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet. MPEP 605.04(b).

Pursuant to petitioners' authorization, the petition fee of \$200 will be charged to deposit account no: 50-0959.

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

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

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

By fax: (571) 273-8300
 ATTN: Office of Petitions

By internet: EFS-Web
 www.uspto.gov/ebc/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

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


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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James C. Scott
Roetzel & Address
Suite 900
1375 East Ninth Street
Cleveland OH 44114

MAILED
APR 22 2011
OFFICE OF PETITIONS

In re Application of :
Taylor, et al. : ON PETITION
Application No.: 29/368,778 :
Filed: August 30, 2010 :
Attorney Docket No.: 109769.0286 :
For: THREE DIMENSIONAL GREETING CARD :

This is a decision on the renewed petition under 37 CFR 1.47(a), filed April 5, 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. 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 non-signing inventor. **Failure to respond will result in abandonment of the application.**

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

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$200, and
- (4) the last known address of the omitted inventor(s).

This petition lacks items (1) and (2).

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 Chen, 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.

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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 should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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James C. Scott
Roetzel & Andress
Suite 900
1375 East Ninth Street
Cleveland OH 44114

MAILED
JUN 16 2011
OFFICE OF PETITIONS

In re Application of :
Taylor, et al. : ON PETITION
Application No.: 29/368,778 :
Filed: August 30, 2010 :
Attorney Docket No.: 109769.0286 :
For: THREE DIMENSIONAL GREETING CARD :

This is a decision on the renewed petition under 37 CFR 1.47(a), filed June 7, 2011.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Bin Chen, has constructively 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 further pre-examination processing.

Telephone inquiries 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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ROBERT M. SCHWARTZ, P.A.
P.O. Box 221470
Hollywood, FL 33022

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Abraham Lalo	:	
Application No. 29/368,858	:	DECISION ON PETITION
Filed: August 31, 2010	:	TO WITHDRAW
Attorney Docket No. IN 892.002	:	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 December 10, 2010.

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

A review of the file record indicates that the power of attorney to Robert M. Schwartz, P.A. has been revoked by the applicant of the patent application on December 16, 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 Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **NATTER & NATTER**
501 Fifth Avenue
Suite 808
New York, NY 10017



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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HARNES Dickey & PIERCE, P.L.C. (STANLEY R&D)
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Thomas Murray et al : DECISION GRANTING PETITION
Application No. 29/368,940 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: August 31, 2010 :
Attorney Docket No. 0275-001534/US/COA :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed February 10, 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 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 February 10, 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED

OCT 13 2011

OFFICE OF PETITIONS

In re Application of :
Andy Fathollahi :
Application No. 29/369,069 :
Filed: September 1, 2010 :
Attorney Docket No. INCTE.000GEN :

ON PETITION

This is a decision on the petition filed September 27, 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 May 26, 2011, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 27, 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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OCT 12 2010

OFFICE OF PETITIONS

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

In re Application of :
Chris SAVARESE, et al :
Application No. 29/369,161 :
Filed: September 2, 2010 :
Attorney Docket No. 006196.P017D :
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 September 23, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2900.

The application is being forwarded to Technology Center Art Unit 2912 for action on the merits commensurate with this decision.

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



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OCT 12 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Chris SAVARESE, et al	:	
Application No. 29/369,162	:	DECISION ON PETITION
Filed: September 2, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 006196.P017D2	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 23, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2900.

The application is being forwarded to Technology Center Art Unit 2912 for action on the merits commensurate with this decision.

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



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**SZARZYNSKI, PLLC
834 KNOTT PL.
DALLAS TX 75208**

**MAILED
AUG 25 2011
OFFICE OF PETITIONS**

In re Application of :
WILCOTS :
Application No. 29/369,342 :
Filed: September 7, 2010 :
Attorney Docket No. CWILC01 :
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed August 15, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Jonathan Szarzynski does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The Office will not approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: CEDRIC D. WILCOTS
741 HONEYSUCKLE WAY
DESOTO TX 75115



UNITED STATES PATENT AND TRADEMARK OFFICE

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SZARZYNSKI, PLLC
834 KNOTT PL.
DALLAS, TX 75208

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of :
Cedric D. Wilcots :
Application No. 29/369,342 : **ON PETITION**
Filed: September 7, 2010 :
Attorney Docket No.: CWILC01 :

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

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Jonathan Szarzynski appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

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 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 on September 30, 2011.

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as

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.

set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition does not comply with item (4) above.

It is noted that a terminal disclaimer was filed along with the requisite fee; however, the terminal disclaimer is not acceptable, as it is not properly signed. An attorney or agent of record (that is, a registered attorney or agent given power of attorney) is permitted to sign the disclaimer. See 37 CFR 1.321(b)(1)(iv). A registered practitioner (attorney or agent) acting in a representative capacity under 37 CFR 1.34 is not permitted to sign a terminal disclaimer.

In view of the above, the petition cannot be granted until a proper 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-Web³

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 02 2011

OFFICE OF PETITIONS

SZARZYNSKI, PLLC
834 KNOTT PL.
DALLAS, TX 75208

In re Application of
Cedric D. Wilcots
Application No. 29/369,342
Filed: September 7, 2010
Attorney Docket No.: CWILC01

ON PETITION

This is a decision on the renewed petition, filed November 8, 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 June 15, 2011. A Notice of Abandonment was mailed on September 30, 2011. On September 30, 2011, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed October 17, 2011. In response, on November 8, 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 \$930; (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 November 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 Data Management to be processed into a patent.

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
P.O. Box 1450
Alexandria, VA 22313-1450
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Kegler, Brown, Hill & Ritter
600 Superior Ave. East, Suite 1300
Cleveland OH 44114

MAILED
JUL 15 2011
OFFICE OF PETITIONS

In re Application of :
Jeffrey D. Kendall et al. :
Application No. 29/369,343 : **DECISION ON PETITION**
Filed: September 7, 2010 :
Attorney Docket No. 106790.1DES3 :

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

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed March 4, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 5, 2011. A Notice of Abandonment was mailed on June 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 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



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SAIDMAN DESIGNLAW GROUP
8601 GEORGIA AVE
SUITE 603
SILVER SPRING MD 20910

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Nakatani :
Application No. 29/369,346 : DECISION ON PETITION
Filed: September 7, 2010 :
Attorney Docket No. 1673.039 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 1, 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 March 27, 2011, as required by the Notice of Allowability, mailed December 27, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 28, 2011. A Notice of Abandonment was mailed on April 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 replacement 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. 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
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

**HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086**

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of :
Samuel N. LEVIN :
Application No. 29/369,389 : **NOTICE UNDER 37 CFR. 1.28(c)**
Filed: September 08, 2010 :
Attorney Docket No. ECC-02700 :

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 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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
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

February 13, 2012

Patent No.: D,641,446 S
Applicant : Christopher G. Engel
Issued : July 12, 2011
For : **IRON GOLF CLUB HEAD CAVITY**
Atty Docket No.: GCD10-003US01

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 Rules 1.323.

Respecting the alleged error in changing the second inventor name on the patent due to clerical error in switching declarations of related patents. The inventor's name is printed in accordance with the Declaration submitted at the time of filing the application. Therefore, no correction is in order here under Rule 1.323. The office can only refer to the pertinent documents in the application that discloses the information as printed in the patent.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to change, add or delete inventor(s), after issuance of the patent. If petition is granted, application will be forwarded for correction of Office records to reflect the inventorship as corrected and to the Certificate of Correction Branch for issuance of certificate of correction.

In view of the foregoing, your request in this matter is hereby denied.

A petition under C.F.R. 1.324 should include:

- A. the processing fee set forth in 37 CFR 1.20(b) (currently \$130);
- B. a statement from each person being added as an inventor that the inventorship occurred without any deceptive intention on his or her part, a statement from the current inventors agreeing to the change of inventorship of stating that they have no disagreement in regard to the requested change, and a statement from all assignees of the current inventors agreeing to the change of inventorship in the patent.

Further correspondence concerning this matter should be filed and directed to Supervisory Patent Examiner of Technology Center 2912, Stella M. Reid, at the U.S. Patent and Trademark Office.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

ACUSHNET COMPANY
333 BRIDGE STREET
P. O. BOX 965
FAIRHAVEN MA 02719



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

September 20, 2011

Patent No.: D641,447 S
Applicant : Christopher G. Engel, et al.
Issued : July 12, 2011
For : **IRON GOLF CLUB HEAD CAVITY**
Atty Docket No.: GCD10-004US01

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 Rules 1.323.

Respecting the alleged error in changing the second inventor name. The inventors are printed in accordance with the Declaration submitted at the time of filing the application. Therefore, not correction is in order here under Rule 1.323.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to change, add or delete inventor(s), after issuance of the patent

In view of the foregoing, your request in this matter is hereby denied.

A petition under C.F.R. 1.324 should include:

- A. the processing fee set forth in 37 CFR 1.20(b) (currently \$130);
- B. a statement from each person being added as an inventor that the inventorship occurred without any deceptive intention on his or her part, a statement from the current inventors agreeing to the change of inventorship of stating that they have no disagreement in regard to the requested change, and a statement from all assignees of the current inventors agreeing to the change of inventorship in the patent.

Further correspondence concerning this matter should be filed and directed to Supervisory Patent Examiner of Technology Center 2912 at the U.S. Patent and Trademark Office.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

ACUSHNET COMPANY
333 BRIDGE STREET
P. O. BOX 965
FAIRHAVEN MA 02719



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 24 2011

OFFICE OF PETITIONS

Adam L. Rucker
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh NC 27627

In re Application of :
Eric G. JACQUES et al. : ON PETITION
Application No. 29/369,606 :
Filed: September 10, 2010 :
Atty. Docket No.: 9853-7DS :

This is in response to the petition under 37 CFR 1.47(a), filed March 22, 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

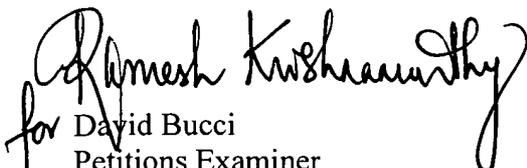
The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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 this filing of this application will also be published in the Official Gazette.

In accordance with Petitioner's instructions, deposit account 50-0220 will be charged \$200 for the instant petition.

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

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
Alexandria, VA 22313-1450
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Mr. David Kelsall
11 School Road
West Fulton, Oswestry
Shropshire, UK SY11 4HH

MAILED

JUN 24 2011

OFFICE OF PETITIONS

In re Application of
Eric G. Jacques and David Kelsall
Application No. 29/369,606
Filed: September 10, 2010
Atty. Docket No.: 9853-7DS
For: INFLATABLE FLAT ROOF THEATRE

Dear Mr. Kelsall:

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 the 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 Robert DeWitty at 001-(571) 272-8427. Requests for information regarding your application should be directed to the File Information Unit at 001-(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 001-(571) 272-3150.

for Ramesh Krishnamurthy
David Bucci
Petitions Examiner
Office of Petitions

cc: **Adam L. Rucker**
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh NC 27627



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

MAILED

JUN 24 2011

OFFICE OF PETITIONS

In re Application of :
Eric G. JACQUES et al. : ON PETITION
Application No. 29/369,618 :
Filed: September 10, 2010 :
Atty. Docket No.: 9853-3DS :

This is in response to the petition under 37 CFR 1.47(a), filed March 22, 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor 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 this filing of this application will also be published in the Official Gazette.

In accordance with Petitioner's instructions, deposit account 50-0220 will be charged \$200 for the instant petition.

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

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
Alexandria, VA 22313-1450
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Mr. David Kelsall
11 School Road
West Fulton, Oswestry
Shropshire, UK SY11 4HH

MAILED

JUN 24 2011

OFFICE OF PETITIONS

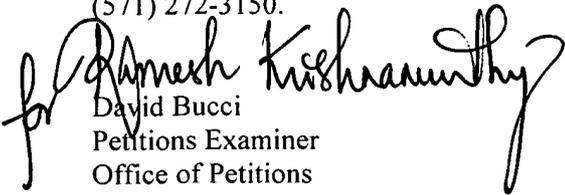
In re Application of
Eric G. Jacques and David Kelsall
Application No. 29/369,618
Filed: September 10, 2010
Atty. Docket No.: 9853-7DS
For: INFLATABLE THEATRE

Dear Mr. Kelsall:

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 the 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 Robert DeWitty at 001-(571) 272-8427. Requests for information regarding your application should be directed to the File Information Unit at 001-(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 001-(571) 272-3150.


David Bucci
Petitions Examiner
Office of Petitions

cc: **Adam L. Rucker**
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh NC 27627



UNITED STATES 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.

Kegler, Brown, Hill & Ritter
600 Superior Ave. East, Suite 1300
Cleveland OH 44114

MAILED
JUN 24 2011

In re Application of : **OFFICE OF PETITIONS**
Stimel :
Application No. 29/369,685 : DECISION ON PETITION
Filed: September 11, 2010 : PURSUANT TO
Attorney Docket No. 104308.133 : 37 C.F.R. § 1.137(a)
Title: THREE DIMENSIONAL FLOOR :
MAT :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a), filed on June 13, 2011, to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 24, 2010, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 25, 2010. A notice of abandonment was mailed on June 6, 2011.

The Applicable Standard

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard:

In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference.¹

¹ Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing

[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense.²

The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'³

The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency.⁴

The burden of showing the cause of the delay is on the person seeking to revive the application.⁵

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."⁶ 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

Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA) 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

2 Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

3 Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct. 1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir. 1982)).

4 Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

5 Id.

6 See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

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 (D.C. Cir. 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).

As such, the general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."⁷

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."⁸

Docketing error

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.

Such a showing should identify the specific error⁹, the individual who made the error, and the business routine in place for performing the action that resulted in the error. The showing must establish that the individual who erred was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. The showing should include 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.

⁷ Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.

⁸ Haines v. Quigg, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

⁹ Petitioner must identify the error that caused the delay. If the specific error cannot be identified, the petitioner must identify any and all possible causes and prove that any of them, if they were the true cause, constitute unavoidable delay. A full and complete discussion for each possible error must be presented. Petitioner is reminded that a petitioner has the burden of proof.

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) a business routine was in place for performing the clerical function that could reasonably be relied upon to avoid errors in its performance, and;
- (3) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See M.P.E.P. § 711.03(c)(III)(C)(2).

An adequate showing should include (when relevant):

- (1) statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them;
- (2) a thorough explanation of the docketing and call-up system in use;
- (3) identification of the type of records kept;
- (4) identification of the persons responsible for the maintenance of the system;
- (5) copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing;
- (6) indication as to why the system failed in this instance, and;
- (7) 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.

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(1);

- (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 submitted a fully-executed declaration as well as the fee associated with the late submission of the same, a terminal disclaimer as well as the associated fee, the petition fee, and a statement of facts.

Petitioner has met requirements (1), (2), and (4) of Rule 1.137(a). The third requirement of Rule 1.137(a) has not been satisfied. A discussion follows.

With this petition, Petitioner has provided a thorough explanation of the docketing and call-up system in use; Petitioner has indicated that he utilizes three methods of tracking due dates, and that each of these three systems failed to accurately docket the notice to file missing parts: a "computerized docketing system provided by Computer Packages, Inc. (CPI);" a "separate docketing system of calendared reminders," and a service entitled "Patent Links" which "automatically retrieve(s) image file wrappers from the Office and enter(s) items into the CPI docketing system." It appears that Petitioner runs three parallel docketing systems, and each of these three systems failed to provide notification of the due date. Petitioner has further indicated that an unnamed employee "inadvertently omitted" entering the aforementioned notice into the docketing system, and presumably this failure prevented each of the three parallel systems from notifying Petitioner of the due date?

This description is insufficient to establish that the entire period of delay was unavoidable. On renewed petition, Petitioner will need to describe the circumstances surrounding the docketing error in greater detail. More specifically, Petitioner will need to address the following eight points.

First, the record is unclear whether this failure to enter the notice resulted in each of the three systems to fail to provide notification of the due date. This issue must be addressed on renewed petition.

Second, pursuant to the above paragraph, Petitioner has not provided statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them, in that he has not included a statement from the aforementioned employee.

Third, Petitioner has not identified the type of records kept; do these three systems provide printed material which could be submitted to the Office to substantiate an assertion that there was a docketing error?

Fourth, Petitioner has not identified the individual who is responsible for the maintenance of the three systems which are in place.

Fifth, Petitioner has not provided copies of the mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing.

Sixth, Petitioner has not provided an indication as to why each of these three systems failed in this instance: more specifically, how did the failure to enter the aforementioned notice into the system cause each of these three systems to fail?

Seventh, Petitioner has made reference to the training and experience of the "employee in question," however more information is required in regards to the training provided to the person responsible for the docketing errors, the degree of supervision of his/her work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

Eighth, it is noted that similar petitions have been filed in the following eight applications: 29/369,685, 29/369,686, 29/369,687, 29/369,688, 29/369,689, 29/369,691, 29/369,692, and 29/369,693. If the aforementioned employee failed to enter notices in each of these eight applications, and these failures resulted in the three systems failing to notify Petitioner of the need to respond to the notices, how can it be asserted that either the employee or any of the three systems are reliable?

Conclusion

Any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should

include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any submission in 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,¹⁰ hand-delivery,¹¹ or facsimile.¹² Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.¹³

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.¹⁴ All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

10 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

11 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

12 (571) 273-8300: please note this is a central facsimile number.

13 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

14 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

AUG 23 2011

OFFICE OF PETITIONS

Kegler, Brown, Hill & Ritter
600 Superior Ave. East, Suite 1300
Cleveland OH 44114

In re Application of :
Stimel :
Application No. 29/369,685 : DECISION ON PETITION
Filed: September 11, 2010 : PURSUANT TO
Attorney Docket No. 104308.133 : 37 C.F.R. § 1.137(b)
Title: THREE DIMENSIONAL FLOOR :
MAT

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 16, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 24, 2010, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 25, 2010. A notice of abandonment was mailed on June 6, 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. § 1.17(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.

A petition pursuant to 37 C.F.R. § 1.137(a) was filed on June 13, 2011, along with, *inter alia*, a fully-executed declaration as well as the fee associated with the late submission of the same, and a terminal disclaimer as well as the associated fee. The petition pursuant to 37 C.F.R. § 1.137(a) was dismissed via the mailing of a decision on June 24, 2011.

With this petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has submitted the petition fee and the proper statement of unintentional delay. Each of the four requirements of Rule 1.137(b) has been met.

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.

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 OPAP 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 OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.¹

/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 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
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Paper No.

MAILED

JUN 24 2011

OFFICE OF PETITIONS

Kegler, Brown, Hill & Ritter
600 Superior Ave. East, Suite 1300
Cleveland OH 44114

In re Application of :
Stimel :
Application No. 29/369,688 : DECISION ON PETITION
Filed: September 11, 2010 : PURSUANT TO
Attorney Docket No. 104308.99 : 37 C.F.R. § 1.137(a)
Title: AERODYNAMIC WHEEL COVER :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a), filed on June 13, 2011, to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 24, 2010, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 25, 2010. A notice of abandonment was mailed on June 6, 2011.

The Applicable Standard

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard:

In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference.¹

¹ *Rydeen v. Quigg*, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), *aff'd* without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing

[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts clearly demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked any basis in reason or common sense.²

The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'³

The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency.⁴

The burden of showing the cause of the delay is on the person seeking to revive the application.⁵

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."⁶ 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

Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA) 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

² Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

³ Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct. 1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A))); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir. 1982)).

⁴ Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

⁵ Id.

⁶ See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

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As such, the general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."⁷

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."⁸

Docketing error

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.

Such a showing should identify the specific error⁹, the individual who made the error, and the business routine in place for performing the action that resulted in the error. The showing must establish that the individual who erred was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. The showing should include 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.

7 Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.

8 Haines v. Quigg, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

9 Petitioner must identify the error that caused the delay. If the specific error cannot be identified, the petitioner must identify any and all possible causes and prove that any of them, if they were the true cause, constitute unavoidable delay. A full and complete discussion for each possible error must be presented. Petitioner is reminded that a petitioner has the burden of proof.

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) a business routine was in place for performing the clerical function that could reasonably be relied upon to avoid errors in its performance, and;
- (3) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See M.P.E.P. § 711.03(c)(III)(C)(2).

An adequate showing should include (when relevant):

- (1) statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them;
- (2) a thorough explanation of the docketing and call-up system in use;
- (3) identification of the type of records kept;
- (4) identification of the persons responsible for the maintenance of the system;
- (5) copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing;
- (6) an indication as to why the system failed in this instance, and;
- (7) 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.

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(1);

- (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 submitted a fully-executed declaration as well as the fee associated with the late submission of the same, a terminal disclaimer as well as the associated fee, the petition fee, and a statement of facts.

Petitioner has met requirements (1), (2), and (4) of Rule 1.137(a). The third requirement of Rule 1.137(a) has not been satisfied. A discussion follows.

With this petition, Petitioner has provided a thorough explanation of the docketing and call-up system in use; Petitioner has indicated that he utilizes three methods of tracking due dates, and that each of these three systems failed to accurately docket the notice to file missing parts: a "computerized docketing system provided by Computer Packages, Inc. (CPI);" a "separate docketing system of calendared reminders," and a service entitled "Patent Links" which "automatically retrieve(s) image file wrappers from the Office and enter(s) items into the CPI docketing system." It appears that Petitioner runs three parallel docketing systems, and each of these three systems failed to provide notification of the due date. Petitioner has further indicated that an unnamed employee "inadvertently omitted" entering the aforementioned notice into the docketing system, and presumably this failure prevented each of the three parallel systems from notifying Petitioner of the due date?

This description is insufficient to establish that the entire period of delay was unavoidable. On renewed petition, Petitioner will need to describe the circumstances surrounding the docketing error in greater detail. More specifically, Petitioner will need to address the following eight points.

First, the record is unclear whether this failure to enter the notice resulted in each of the three systems to fail to provide notification of the due date. This issue must be addressed on renewed petition.

Second, pursuant to the above paragraph, Petitioner has not provided statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them, in that he has not included a statement from the aforementioned employee.

Third, Petitioner has not identified the type of records kept; do these three systems provide printed material which could be submitted to the Office to substantiate an assertion that there was a docketing error?

Fourth, Petitioner has not identified the individual who is responsible for the maintenance of the three systems which are in place.

Fifth, Petitioner has not provided copies of the mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing.

Sixth, Petitioner has not provided an indication as to why each of these three systems failed in this instance: more specifically, how did the failure to enter the aforementioned notice into the system cause each of these three systems to fail?

Seventh, Petitioner has made reference to the training and experience of the "employee in question," however more information is required in regards to the training provided to the person responsible for the docketing errors, the degree of supervision of his/her work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

Eighth, it is noted that similar petitions have been filed in the following eight applications: 29/369,685, 29/369,686, 29/369,687, 29/369,688, 29/369,689, 29/369,691, 29/369,692, and 29/369,693. If the aforementioned employee failed to enter notices in each of these eight applications, and these failures resulted in the three systems failing to notify Petitioner of the need to respond to the notices, how can it be asserted that either the employee or any of the three systems are reliable?

Conclusion

Any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should

include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any submission in 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,¹⁰ hand-delivery,¹¹ or facsimile.¹² Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.¹³

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.¹⁴ All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

10 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

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12 (571) 273-8300: please note this is a central facsimile number.

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14 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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AUG 23 2011

Paper No.

OFFICE OF PETITIONS

Kegler, Brown, Hill & Ritter
600 Superior Ave. East, Suite 1300
Cleveland OH 44114

In re Application of :
Stimel :
Application No. 29/369,688 : DECISION ON PETITION
Filed: September 11, 2010 : PURSUANT TO
Attorney Docket No. 104308.99 : 37 C.F.R. § 1.137(b)
Title: AERODYNAMIC WHEEL COVER :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 16, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 24, 2010, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 25, 2010. A notice of abandonment was mailed on June 6, 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. § 1.17(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.

A petition pursuant to 37 C.F.R. § 1.137(a) was filed on June 13, 2011, along with, *inter alia*, a fully-executed declaration as well as the fee associated with the late submission of the same, a terminal disclaimer as well as the associated fee. The petition pursuant to 37 C.F.R. § 1.137(a) was dismissed via the mailing of a decision on June 24, 2011.

With this petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has submitted the petition fee and the proper statement of unintentional delay. Each of the four requirements of Rule 1.137(b) has been met.

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.

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 OPAP 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 OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.¹

/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 any further action(s) of Petitioner.



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Paper No. .

Kegler, Brown, Hill & Ritter
600 Superior Ave. East, Suite 1300
Cleveland OH 44114

MAILED

JUN 24 2011

OFFICE OF PETITIONS

In re Application of :
Stimel :
Application No. 29/369,689 : DECISION ON PETITION
Filed: September 11, 2010 : PURSUANT TO
Attorney Docket No. 104308.92 : 37 C.F.R. § 1.137(a)
Title: TRUCK CAB :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a), filed on June 13, 2011, to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 24, 2010, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 25, 2010. A notice of abandonment was mailed on June 6, 2011.

The Applicable Standard

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard:

In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference.¹

¹ Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing

[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts clearly demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked any basis in reason or common sense.²

The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'³

The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency.⁴

The burden of showing the cause of the delay is on the person seeking to revive the application.⁵

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."⁶ 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

Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA) 1152 (Fed. Cir. 1988) ("an agency's interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

² Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

³ Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct. 1241, 1244 (1973) (citing 5 U.S.C. 706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir. 1982)).

⁴ Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

⁵ Id.

⁶ See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

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 (D.C. Cir. 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).

As such, the general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"

In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."⁷

A petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."⁸

Docketing error

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.

Such a showing should identify the specific error⁹, the individual who made the error, and the business routine in place for performing the action that resulted in the error. The showing must establish that the individual who erred was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. The showing should include 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.

⁷ Smith v. Mossinghoff, 671 F.2d at 538; 213 USPQ at 982.

⁸ Haines v. Quigg, 673 F. Supp. at 314, 316-17; 5 USPQ2d at 1131-32.

⁹ Petitioner must identify the error that caused the delay. If the specific error cannot be identified, the petitioner must identify any and all possible causes and prove that any of them, if they were the true cause, constitute unavoidable delay. A full and complete discussion for each possible error must be presented. Petitioner is reminded that a petitioner has the burden of proof.

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) a business routine was in place for performing the clerical function that could reasonably be relied upon to avoid errors in its performance, and;
- (3) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See M.P.E.P. § 711.03(c)(III)(C)(2).

An adequate showing should include (when relevant):

- (1) statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them;
- (2) a thorough explanation of the docketing and call-up system in use;
- (3) identification of the type of records kept;
- (4) identification of the persons responsible for the maintenance of the system;
- (5) copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing;
- (6) an indication as to why the system failed in this instance, and;
- (7) 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.

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(1);

- (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 submitted a fully-executed declaration as well as the fee associated with the late submission of the same, a terminal disclaimer as well as the associated fee, the petition fee, and a statement of facts.

Petitioner has met requirements (1), (2), and (4) of Rule 1.137(a). The third requirement of Rule 1.137(a) has not been satisfied. A discussion follows.

With this petition, Petitioner has provided a thorough explanation of the docketing and call-up system in use; Petitioner has indicated that he utilizes three methods of tracking due dates, and that each of these three systems failed to accurately docket the notice to file missing parts: a "computerized docketing system provided by Computer Packages, Inc. (CPI);" a "separate docketing system of calendared reminders," and a service entitled "Patent Links" which "automatically retrieve(s) image file wrappers from the Office and enter(s) items into the CPI docketing system." It appears that Petitioner runs three parallel docketing systems, and each of these three systems failed to provide notification of the due date. Petitioner has further indicated that an unnamed employee "inadvertently omitted" entering the aforementioned notice into the docketing system, and presumably this failure prevented each of the three parallel systems from notifying Petitioner of the due date?

This description is insufficient to establish that the entire period of delay was unavoidable. On renewed petition, Petitioner will need to describe the circumstances surrounding the docketing error in greater detail. More specifically, Petitioner will need to address the following eight points.

First, the record is unclear whether this failure to enter the notice resulted in each of the three systems to fail to provide notification of the due date. This issue must be addressed on renewed petition.

Second, pursuant to the above paragraph, Petitioner has not provided statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them, in that he has not included a statement from the aforementioned employee.

Third, Petitioner has not identified the type of records kept; do these three systems provide printed material which could be submitted to the Office to substantiate an assertion that there was a docketing error?

Fourth, Petitioner has not identified the individual who is responsible for the maintenance of the three systems which are in place.

Fifth, Petitioner has not provided copies of the mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing.

Sixth, Petitioner has not provided an indication as to why each of these three systems failed in this instance: more specifically, how did the failure to enter the aforementioned notice into the system cause each of these three systems to fail?

Seventh, Petitioner has made reference to the training and experience of the "employee in question," however more information is required in regards to the training provided to the person responsible for the docketing errors, the degree of supervision of his/her work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

Eighth, it is noted that similar petitions have been filed in the following eight applications: 29/369,685, 29/369,686, 29/369,687, 29/369,688, 29/369,689, 29/369,691, 29/369,692, and 29/369,693. If the aforementioned employee failed to enter notices in each of these eight applications, and these failures resulted in the three systems failing to notify Petitioner of the need to respond to the notices, how can it be asserted that either the employee or any of the three systems are reliable?

Conclusion

Any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should

include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any submission in 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,¹⁰ hand-delivery,¹¹ or facsimile.¹² Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.¹³

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.¹⁴ All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

10 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

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12 (571) 273-8300: please note this is a central facsimile number.

13 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

14 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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www.uspto.gov

Paper No.

Kegler, Brown, Hill & Ritter
600 Superior Ave. East, Suite 1300
Cleveland OH 44114

MAILED

AUG 23 2011

In re Application of : **OFFICE OF PETITIONS**
Stimel :
Application No. 29/369,689 : DECISION ON PETITION
Filed: September 11, 2010 : PURSUANT TO
Attorney Docket No. 104308.92 : 37 C.F.R. § 1.137(b)
Title: TRUCK CAB :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 16, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed September 24, 2010, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 25, 2010. A notice of abandonment was mailed on June 6, 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. § 1.17(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.

A petition pursuant to 37 C.F.R. § 1.137(a) was filed on June 13, 2011, along with, *inter alia*, a fully-executed declaration as well as the fee associated with the late submission of the same, a terminal disclaimer as well as the associated fee. The petition pursuant to 37 C.F.R. § 1.137(a) was dismissed via the mailing of a decision on June 24, 2011.

With this petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has submitted the petition fee and the proper statement of unintentional delay. Each of the four requirements of Rule 1.137(b) has been met.

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.

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 OPAP 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 OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.¹

/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 any further action(s) of Petitioner.



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Kegler, Brown, Hill & Ritter
600 Superior Ave. East, Suite 1300
Cleveland OH 44114

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Stimel :
Application No. 29/369,691 : DECISION ON PETITION
Filed: September 11, 2010 :
Attorney Docket No. 104308.132 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed June 13, 2011, to revive the above-identified application.

The petition filed under 37 CFR 1.137(a) 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 above-identified application became abandoned for failure to timely file a reply to the Notice to File Missing Part mailed September 24, 2010. The Notice to File Missing Parts set a two (2) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on November 25, 2010. A Notice of Abandonment was mailed on June 6, 2011.

Petitioner maintains that the submission of a response to the Notice to File Missing Parts was unavoidably delayed due to docketing error. Petitioner contends that the Notice to File Missing Parts was inadvertently omitted from the computerized docketing system, by an employee of applicant's representative. Petitioner uses a computerized docketing system provided by Computer Packages, Inc. (CPI). Petitioner also states that they subscribe to an additional system provided by CPI ("patent links"). This was an additional layer which also failed to retrieve the Notice to File Missing Parts. Petitioner states that the employee was sufficiently trained and experienced with regard to the function and routine its performance, that reliance upon employee represented the exercise of due care.

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).

Petitioner's argument has been considered but deemed unpersuasive. The fact that a delay may have been caused by an "employee of applicant's representative" does not, *ipso facto*, establish unavoidable delay. For example, "human error" in the form of careless mistakes or the result of a lack of knowledge of USPTO practices and procedures would not establish unavoidable delay. See, e.g., *Haines*, 673 F. Supp. at 317, 5 USPQ2d at 1132; *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).

As set forth in MPEP 711.03(c), a delay resulting from an 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 :

A) the error was the cause of the delay;

B) there was in place a business routine for performing the clerical function which could reasonably be relied upon to avoid errors in its performance; and

C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

Petitioner has failed to provide sufficient evidence that there was a business routine for performing docketing, which could reasonably be relied upon. Petitioner has provided general information but has failed provide sufficient facts and statements. Since sufficient evidence regarding the docketing system in place has not been provided the Office is unable to make a determination that the system is reliable or that the error was the cause of the delay. Petitioner has failed to state what the business routine is when mail such as the Notice of Missing Parts is received. Nor has petitioner provided an explanation as to how and why both the main system and the auxiliary system managed fail. It is further noted that there are at least three instances that the Office is aware, where a Notice to File Missing Parts was not properly docketed. Such circumstances call into question the training received by this employee as well as the reliability of the system in place.

An adequate showing of unavoidable delay due to docket/clerical error may include but not limited to:

- 1) statements by all parties with direct knowledge of the circumstances surrounding the delay;*
- 2) a through explanation of the docketing system in use;*
- 3) identification of the types of records kept;*

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema Grant". The signature is fluid and cursive, with a prominent initial "C" and a long, sweeping tail.

Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Application of :
Stimel :
Application No. 29/369,691 : DECISION ON PETITION
Filed: September 11, 2010 :
Attorney Docket No. 104308.132 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 16, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to the Notice to File Missing Part mailed September 24, 2010. The Notice to File Missing Parts set a two (2) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on November 26, 2010. A Notice of Abandonment was mailed on June 6, 2011. A petition filed under 37 CFR 1.137(a) was dismissed on June 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 the \$130 surcharge and declaration (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)).

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 Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema Grant", with a long horizontal flourish extending to the right.

Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MCDERMOTT, WILL & EMERY LLP
600 13th Street, NW
Washington DC 20005-3096

MAILED

DEC 05 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Phillips :
Application No. 29/369,729 :
Filed: September 13, 2010 :
Attorney Docket No. 077154-0090 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 18, 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 submit the issue fee as required by the Notice of Allowance and Fee (s) Due, which was mailed August 8, 2011. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). An improper RCE was filed on November 8, 2011. Accordingly, this application became abandoned on November 9, 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).

As to item (1), petitioner has submitted a request for continued prosecution application (CPA) and terminal disclaimer, however since the application was held abandoned for failure to pay the issue fee, the required reply also must include the submission of 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 include payment of the issue fee or any outstanding balance.

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.

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) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Matthew J. Gryzlo
 McDermott Will & Emery
 227 West Monroe Street, Ste.4400
 Chicago, IL 60606-5096



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDERMOTT, WILL & EMERY LLP
600 13th Street, NW
Washington DC 20005-3096

MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Application of :
Phillips :
Application No. 29/369,729 :
Filed: September 13, 2010 :
Attorney Docket No. 077154-0090 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 16, 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), issue fee; (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).

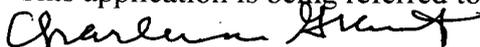
The terminal disclaimer is accepted and has been made of record.

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.

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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2915 for processing of the CPA.


Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Matthew J. Gryzlo
McDermott Will & Emery
227 West Monroe Street, Ste.4400
Chicago, IL 60606-5096



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In re Application of
Mohammed Hadi

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Application No. 29369771

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

Filed:

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Attorney Docket No. FG-KB-130

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369774

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

Filed: September 13, 2010

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Attorney Docket No. FG-MD-150

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369780

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

Filed:

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Attorney Docket No. FG-MFP-516

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369782

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

Filed:

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Attorney Docket No. FG-MFP-114

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29/369,782	Confirmation Number	1155	Filing Date	
Attorney Docket Number (optional)	FG-MFP-114	Art Unit	2913	Examiner	
First Named Inventor	Mohammed Hadi , Fort Myers, FL (US)				
Title of Invention	FIREPLACE Coriano				
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		
Mohammed		Hadi			
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) :					
<input checked="" type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input type="radio"/> (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	/Mohammed Hadi/		Date (YYYY-MM-DD)	2010-12-18	
Name	/Mohammed Hadi/				

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 Freedom 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 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 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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In re Application of
Mohammed Hadi

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Application No. 29369787

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

Filed:

:

Attorney Docket No. FG-MFP-275

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369789

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

Filed:

:

Attorney Docket No. FG-MFP-480

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369792

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

Filed:

:

Attorney Docket No. FG-MFP-679

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369793

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

Filed:

:

Attorney Docket No. FG-MFP-767

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369793

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

Filed:

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Attorney Docket No. FG-MFP-767

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 30-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369796

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

Filed:

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Attorney Docket No. FG-mfp-872

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369796

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

Filed:

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Attorney Docket No. FG-mfp-872

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 30-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369798

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

Filed:

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Attorney Docket No. FG-MFP-958

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369798

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

Filed:

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Attorney Docket No. FG-MFP-958

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 30-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369799

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

Filed:

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Attorney Docket No. FG-mfp-964

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29369799

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

Filed:

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Attorney Docket No. FG-mfp-964

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 30-DEC-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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/369,859	09/14/2010	Ronald K. Hettinger	PD2417	1797
23454	7590	04/13/2011	EXAMINER	
CALLAWAY GOLF COMPANY 2180 RUTHERFORD ROAD CARLSBAD, CA 92008-7328			SIEGEL, MITCHELL	
			ART UNIT	PAPER NUMBER
			2912	
			NOTIFICATION DATE	DELIVERY MODE
			04/13/2011	ELECTRONIC

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

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

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

MikeCa@callawaygolf.com
Becca.Hanovice@callawaygolf.com
sonia.lari@callawaygolf.com



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Callaway Golf Company
2180 Rutherford Road
Carlsbad, CA 92008-7328

4/13/11

In re Application of:
Hettinger, Ronald et al.
Serial No.: 29/369,859
Filed: September 14, 2010
Docket: PD2417
Title: Putter Head

:
:
: DECISION ON PETITION FOR
: EXPEDITED EXAMINATION
: UNDER 37 C.F.R. § 1.155
:
:

This is a decision on the petition filed on September 14, 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:

Items A, C and D have not been filed.

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



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In re Application of
Mary Gail Mikula

:
:

Application No. 29369860

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

Filed:

:

Attorney Docket No. 8644742

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 14-SEP-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.

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	29369860	Confirmation Number	1867	Filing Date	2010-09-14
Attorney Docket Number (optional)	8644742	Art Unit		Examiner	
First Named Inventor	Mary Gail Mikula				
Title of Invention	Float				

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
Mary	Gail	Mikula	

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)	2010-09-14
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of:	:	
David Schaefer	:	DECISION GRANTING
Application No. 29/369871	:	PETITION UNDER
Filing or 371(c) Date: 09/14/2010	:	37 CFR 1.47(a)
Attorney Docket Number:	:	
080103-0079	:	

This Decision is in response to the Petition Under 37 C.F.R. § 1.47(a) filed April 25, 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 **granted**.

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.

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

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor 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 technology Center Art Unit 2913 for examination 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



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MR. DAVID SCHAEFER
20 5TH Avenue, Apt. 15B
NEW YORK, NY 10011

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of: :
David Schaefer : LETTER
Application No. 29/369871 :
Filing or 371(c) Date: 09/14/2010 :
Attorney Docket Number: :
080103-0079 :

Dear Mr. Schaefer:

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: MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096



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600 13TH STREET, N.W.
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MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of:	:	
David Schaefer	:	DECISION GRANTING
Application No. 29/369873	:	PETITION UNDER
Filing or 371(c) Date: 09/14/2010	:	37 CFR 1.47(b)
Attorney Docket Number:	:	
080103-0078	:	

This Decision is in response to the Petition Under 37 C.F.R. § 1.47(a) filed April 25, 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 CFR 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(a). This application is hereby accorded Rule 1.47(b) status.

Petitioner has shown that the non-signing inventor, David Schaefer, 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 inventor 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 technology Center Art Unit 2913 for examination 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



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MR. DAVID SCHAEFER
20 5TH Avenue, Apt. 15B
NEW YORK, NY 10011

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of: :
David Schaefer : LETTER
Application No. 29/369873 :
Filing or 371(c) Date: 09/14/2010 :
Attorney Docket Number: :
080103-0078 :

Dear Mr. Schaefer:

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: MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096



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21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

MAILED
JAN 19 2012
OFFICE OF PETITIONS

In re Application of :
Felix Goebel :
Application No. 29/369,895 : **DECISION GRANTING PETITION**
Filed: September 15, 2010 : **UNDER 37 CFR 1.55(c)**
Attorney Docket No. 30041 :

This is a decision on the petition under 37 CFR 1.55(c), filed November 10, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign EM application No. 552433401 filed 16 June 2010.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);

- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Director may require additional information where there is a question whether the delay was unintentional.); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application is being referred to Technology Center AU 2914 for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Values: 29/369,895, 09/15/2010, 2914, 230, 30041, 1, 1

CONFIRMATION NO. 2786

CORRECTED FILING RECEIPT



535
KF ROSS PC
311 East York Street
Savannah, GA 31401

Date Mailed: 01/12/2012

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)

Felix GOEBEL, Ulm, GERMANY;

Power of Attorney:

Andrew Wilford--26597
Jonathan Myers--26963

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.)

EUROPEAN (EU) OFFICE FOR HARMONIZATION I 552433401 06/16/2010

If Required, Foreign Filing License Granted: 09/24/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 29/369,895

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

HANDS-FREE UMBRELLA

Preliminary Class

D03

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 Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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PAUL R. MARTIN
730 Glacier Way
FAIRFIELD CA 94534

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of	:	DECISION
Thomas C. Fuller	:	ON PETITION
Application No. 29/370016	:	
Filing or 371(c) Date: 05/28/2010	:	
Title of Invention:	:	
COOLER	:	

This is a decision on the "Petition for Revival of an Application for Patent Abandoned Unintentionally Under Petition Under 37 C.F.R. 1.137(b)," filed April 22, 2011.

The petition is granted.

Background

Application papers were filed in the above-identified application on May 28, 2010. On June 14, 2010, the Office of Patent Application Processing mailed a Notice of Omitted item(s) in a Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had been accorded a filing date; however, Figure 6 described in the specification appeared to have been omitted from the application.

The present petition

Applicant files the present petition to revive the application, including a Terminal Disclaimer, and a preliminary amendment 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; (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 continued processing 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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Paper No.

Wooten & Shaddock, PLC / Alliant Techsystems Inc.
1435 Crossways Boulevard
Suite 303
Chesapeake VA 23320

MAILED

APR 11 2011

In re Application of : **OFFICE OF PETITIONS**
Abrams and Sachs :
Application No. 29/370,017 : DECISION ON PETITION
Filed: May 27, 2010 : PURSUANT TO
Attorney Docket No. 729-428 : 37 C.F.R. § 1.47(B)
Title: SLEEPING BAG :

This is in response to the petition pursuant to 37 C.F.R. § 1.47(b), filed October 14, 2010.

This petition pursuant to 37 C.F.R. § 1.47(b) is **DISMISSED**.

On May 27, 2010, the application was filed, identifying Messrs. Abrams and Sachs as joint inventors. The application was deposited without an oath or declaration. On June 14, 2010, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, notifying applicant that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

A grantable petition under 37 C.F.R. § 1.47(b) requires:

- (1) the petition fee of as set forth in 37 C.F.R. § 1.17(g);
- (2) the surcharge as set forth in 37 C.F.R. § 1.16(e), if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventor;
- (4) proof that either:
 - (a) a copy of the application was sent or given to the non-signing inventor for review and proof that

- the non-signing inventor refused to sign, or;
- (b) proof that diligent efforts have been made to locate the non-signing inventor
- (5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
- (6) proof of irreparable damage, and;
- (7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. § 1.63.

With this petition, Petitioner has submitted a two month extension of time so as to make timely this submission, the petition fee, the surcharge that is associated with the late submission of an oath or declaration, a declaration of facts, proof of irreparable damage,¹ the last known address of each non-signing inventor,² and a declaration that has been executed in accordance with MPEP § 409.03(b)(A).

Petitioner has also indicated that a copy of this application was sent to the last known address of each non-signing inventor, and a response has not been forthcoming.³ Petitioner has not explicitly indicated that it was a complete copy of the application (specification, claims, drawings, and oath or declaration)⁴ that was sent to each non-signing inventor. However, the Office is construing these representations to constitute an assertion that each non-signing inventor was presented with a complete copy of the application, and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

Requirements (1) - (4) and (6) - (7) of Rule 1.47(b) have been satisfied. Requirement (5) has not been satisfied.

Regarding the fifth requirement of 37 C.F.R. § 1.47(b), Petitioner has failed to prove sufficient proprietary interest in the subject matter to justify the filing of the application,⁵ in that in that the chain of title is not complete.⁶ Petitioner has not established that each non-signing inventor assigned his rights to BLACKHAWK INDUSTRIES PRODUCT GROUP UNLIMITED LLC, the purported assignee. Neither executed assignment documents nor a

1 Petition, page 5.

2 Id. at 6

3 Id. at 3 and 5.

4 See MPEP § 409.03(d).

5 See 35 U.S.C. § 118, 37 CFR § 1.47(b), and MPEP § 409.03(f).

6 See 37 C.F.R. § 3.73(b).

Reel and Frame number where the recordation of this assignment may be found has been provided with this petition. Furthermore, there is no record in the Office's Patent Application Location and Monitoring System (PALM) of an assignment involving this application. These facts fail to establish that BLACKHAWK INDUSTRIES PRODUCT GROUP UNLIMITED LLC has any proprietary interest in the application at hand, and the record does not support a finding that either inventor assigned any rights in the present invention to the purported assignee.⁷ **On renewed petition, in order to establish proprietary interest pursuant to MPEP § 409.03(f), Petitioner is to provide either a signed agreement to assign all inventions to the purported assignee, or a legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would, by the weight of authority in that jurisdiction, award title of the invention to the Rule 1.47(b) applicant.**⁸

Moreover, Petitioner has not established the right of the purported assignee to take action, pursuant to 37 C.F.R. § 3.73. See also MPEP § 324. **On renewed petition, Petitioner must include a statement under 37 C.F.R. § 3.73(b).**

The reply to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,⁹ hand-delivery,¹⁰ or facsimile.¹¹ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.¹²

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

7 See MPEP § 402.07 and 37 CFR § 3.71(c).

8 It is noted that Petitioner does not appear to be in a position to provide a signed copy of an agreement assigning the invention described in this application to the purported assignee. See petition, page 1.

9 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

10 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

11 (571) 273-8300- please note this is a central facsimile number.

12 <https://portal.uspto.gov/authenticate/authenticateuserlocalepf.html>

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) 272-3225.¹³ All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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Paper No.

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1435 Crossways Boulevard
Suite 303
Chesapeake VA 23320

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :
Abrams and Sachs :
Application No. 29/370,017 : DECISION ON RENEWED PETITION
Filed: May 27, 2010 : PURSUANT TO
Attorney Docket No. 729-428 : 37 C.F.R. § 1.47(B)
Title: SLEEPING BAG :

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(b), filed April 18, 2011.

This renewed petition pursuant to 37 C.F.R. § 1.47(b) is **DISMISSED**.

On May 27, 2010, the application was filed, identifying Messrs. Abrams and Sachs as joint inventors. The application was deposited without an oath or declaration. On June 14, 2010, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, notifying applicant that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

A grantable petition under 37 C.F.R. § 1.47(b) requires:

- (1) the petition fee of as set forth in 37 C.F.R. § 1.17(g);
- (2) the surcharge as set forth in 37 C.F.R. § 1.16(e), if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventor;

- (4) proof that either:
 - (a) a copy of the application was sent or given to the non-signing inventor for review and proof that the non-signing inventor refused to sign, or;
 - (b) proof that diligent efforts have been made to locate the non-signing inventor
- (5) proof that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
- (6) proof of irreparable damage, and;
- (7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. § 1.63.

In response to the Notice, Petitioner filed an original petition pursuant to 37 C.F.R. § 1.47(b) on October 14, 2010, along with a two month extension of time so as to make timely the submission, the petition fee, the surcharge that is associated with the late submission of an oath or declaration, a declaration of facts, proof of irreparable damage,¹ the last known address of each non-signing inventor,² and a declaration that has been executed in accordance with MPEP § 409.03(b)(A).

The original petition pursuant to 37 C.F.R. § 1.47(b) was dismissed via the mailing of a decision on April 11, 2011, which indicated that requirements (1) - (4) and (6) - (7) of Rule 1.47(b) have been satisfied.

With this renewed petition, Petitioner has confirmed that it was a complete copy of the application that was sent to each non-signing joint inventor.³ Petitioner has further attempted to establish sufficient proprietary interest in the subject matter to justify the filing of the application,⁴ by completing the chain of title via the submission of an executed assignment document as well as the Reel and Frame number where the recordation of this assignment may be found in Office records.

However, it does not appear that Petitioner has established the right of the purported assignee to take action via the submission of a statement under 37 C.F.R. § 3.73(b). It follows that the fifth requirement of 37 C.F.R. § 1.47(b) has not been satisfied.

1 Original petition, page 5.

2 Id. at 6

3 Renewed petition, page 2.

4 See 35 U.S.C. § 118, 37 CFR § 1.47(b), and MPEP § 409.03(f).

The decision on the original petition set forth, in pertinent part:

Moreover, Petitioner has not established the right of the purported assignee to take action, pursuant to 37 C.F.R. § 3.73. See also MPEP § 324. **On renewed petition, Petitioner must include a statement under 37 C.F.R. § 3.73(b).**

Decision on original petition, page 3. Emphasis included.

In an effort to secure the electronic submission of this required statement, the undersigned placed a telephone call to Petitioner on Tuesday, April 26, 2011, and was told that Petitioner would be out of the office for the remainder of the week.

The reply to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.47(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,⁵ hand-delivery,⁶ or facsimile.⁷ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁸

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁹ All other inquiries

5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

7 (571) 273-8300- please note this is a central facsimile number.

8 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

9 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

concerning examination procedures should be directed to the
Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
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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Paper No.

Wooten & Shaddock, PLC / Alliant Techsystems Inc.
1435 Crossways Boulevard
Suite 303
Chesapeake VA 23320

MAILED
JUL 11 2011
OFFICE OF PETITIONS

In re Application of :
Abrams and Sachs :
Application No. 29/370,017 : DECISION ON SECOND RENEWED
Filed: May 27, 2010 : PETITION PURSUANT TO
Attorney Docket No. 729-428 : 37 C.F.R. § 1.47(B)
Title: SLEEPING BAG :

This is in response to the second renewed petition pursuant to 37 C.F.R. § 1.47(b), filed July 6, 2011.

This second renewed petition pursuant to 37 C.F.R. § 1.47(b) is **GRANTED**.

On May 27, 2010, the application was filed, identifying Messrs. Abrams and Sachs as joint inventors. The application was deposited without an oath or declaration. On June 14, 2010, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, notifying applicant that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

A grantable petition under 37 C.F.R. § 1.47(b) requires:

- (1) the petition fee of as set forth in 37 C.F.R. § 1.17(g);
- (2) the surcharge as set forth in 37 C.F.R. § 1.16(e), if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventor;

- (4) proof that either:
 - (a) a copy of the application was sent or given to the non-signing inventor for review and proof that the non-signing inventor refused to sign, or;
 - (b) proof that diligent efforts have been made to locate the non-signing inventor
- (5) proof that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
- (6) proof of irreparable damage, and;
- (7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. § 1.63.

In response to the Notice, Petitioner filed an original petition pursuant to 37 C.F.R. § 1.47(b) on October 14, 2010, along with a two month extension of time so as to make timely the submission, the petition fee, the surcharge that is associated with the late submission of an oath or declaration, a declaration of facts, proof of irreparable damage,¹ the last known address of each non-signing inventor,² and a declaration that has been executed in accordance with MPEP § 409.03(b)(A).

The original petition pursuant to 37 C.F.R. § 1.47(b) was dismissed via the mailing of a decision on April 11, 2011, which indicated that requirements (1) - (4) and (6) - (7) of Rule 1.47(b) have been satisfied.

A renewed petition pursuant to 37 C.F.R. § 1.47(b) was filed on April 18, 2011, along with, *inter alia*, the submission of an executed assignment document as well as the Reel and Frame number where the recordation of this assignment may be found in Office records. The renewed petition pursuant to 37 C.F.R. § 1.47(b) was dismissed via the mailing of a decision on May 9, 2011, which indicated that the right of the purported assignee to take action had not been established via the submission of a statement under 37 C.F.R. § 3.73(b).

With this second renewed petition, Petitioner has included a statement under 37 C.F.R. § 3.73(b), thus establishing the right of the Assignee to take action and satisfying the fifth requirement of Rule 1.47(b).

Consequently, each of the requirements of 37 C.F.R. § 1.47(b) has been met.

1 Original petition, page 5.

2 *Id.* at 6

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

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

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) 272-3225.³ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/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 Petitioner's further action(s).



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Eric Sachs
1893 Cooke Avenue
Rossland, BC BOG 1Y0
CANADA

MAILED
JUL 11 2011
OFFICE OF PETITIONS

In re Application of :
Abrams and Sachs :
Application No. 29/370,017 : LETTER
Filed: May 27, 2010 :
Attorney Docket No. 729-428 :
Title: SLEEPING BAG :

Dear Mr. Sachs:

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 C.F.R. § 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 C.F.R. § 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 Assignee 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 C.F.R. § 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 (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions.

cc: Wooten & Shaddock, PLC / Alliant Techsystems Inc.
1435 Crossways Boulevard
Suite 303
Chesapeake VA 23320



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MAILED

JUL 11 2011

OFFICE OF PETITIONS

Brian Abrams
14101 E. Whitetail Lane
Spokane, WA 99206

In re Application of :
Abrams and Sachs :
Application No. 29/370,017 : LETTER
Filed: May 27, 2010 :
Attorney Docket No. 729-428 :
Title: SLEEPING BAG :

Dear Mr. Abrams:

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 C.F.R. § 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 C.F.R. § 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 Assignee 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 C.F.R. § 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 (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Wooten & Shaddock, PLC / Alliant Techsystems Inc.
1435 Crossways Boulevard
Suite 303
Chesapeake VA 23320

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 26, 2012

TO SPE OF : ART UNIT 2912 SPE Stella M. Reid.

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/370,036 Patent No.: D649,339 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 Building
2800 South Randolph Street
Arlington, VA 22206**

Should Item (30) Foreign Application Priority Data be inserted on the title page as requested by applicant?
See COCIN dated 12-28-2011

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.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

SPE_/Stella Reid/

Art Unit 2912



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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of :
Catherine Séquin et al. :
Application No. 29/370,041 : **DECISION ON PETITION**
Filed: May 28, 2010 :
Attorney Docket No. **SMAR-1-1902** :

This is a decision on the petition, filed May 9, 2011, captioned as "REQUEST TO RESCIND NOTICE OF ABANDONMENT", which is being treated as a petition under 37 CFR 1.8(b), 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 Notice to File Missing Parts (Notice) of June 21, 2010, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on March 8, 2011.

Petitioner states that a timely reply (Oath and Declaration and surcharge) with a one (1) month extension of time was mailed via certificate of mailing dated September 21, 2010, which included the following papers: check no. 3113, request for extension of time, declaration for patent application, power of attorney and correspondence address, statement under 37 CFR 3.73(b), and a copy of notice to file missing parts which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

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, terminated, or decided with prejudice, 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 and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. 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.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of June 21, 2010, is hereby withdrawn and the application restored to pending status. The petition also included a stamped postcard receipt from USPTO acknowledging the receipt on September 27, 2010, of the reply that included the items listed above.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed on September 21, 2010

This application is being referred to the Office of Patent Application Processing (OPAP) for appropriate action in the normal course of business on the reply received with petition.

/ Ramesh Krishnamurthy /
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF J.D. GERAIGERY
1133 BROADWAY, SUITE 916
NEW YORK NY 10010

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of :
Abraham Salin :
Application No. 29/370,048 : ON PETITION
Filed: May 28, 2010 :
For: COMPARTMENTALIZED FOOD :
CONTAINER :

This is a decision on the 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.

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

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

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

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

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

By fax: (571) 273-8300
 ATTN: Office of Petitions

By internet: EFS-Web
 www.uspto.gov/ebs/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



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MAILED

JUN 06 2011

OFFICE OF PETITIONS

**LAW OFFICES OF J.D. GERAIGERY
1133 BROADWAY, SUITE 916
NEW YORK NY 10010**

In re Application of :
Abraham Salin :
Application No. 29/370,048 : DECISION ON PETITION
Filed: May 28, 2010 :
Attorney Docket No.303-001 :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file corrected drawings, as required by the Notice of Allowability, mailed October 7, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 8, 2011. A Notice of Abandonment was mailed on January 24, 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 submit corrected drawings as required by the Notice of October 7, 2010 is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paul M. Denk
Ste. 305
763 South New Ballas Road
St. Louis MO 63141

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Michael L. Roller :
Application No. 29/370,072 : **ON PETITION**
Filed: June 1, 2010 :
Attorney Docket No. 8026 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 4, 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 and a new oath or declaration 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.

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)



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Paul M. Denk
Ste. 305
763 South New Ballas Road
St. Louis MO 63141

MAILED

FEB 06 2012

OFFICE OF PETITIONS

In re Application of :
Michael L. Roller :
Application No. 29/370,072 : **DECISION ON PETITION**
Filed: June 1, 2010 :
Attorney Docket No. 8026 :

This is a decision on the renewed 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**.

The application became abandoned for failure to submit formal drawings and a new oath or declaration 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 and oath (previously submitted), (2) the petition fee of \$810 (previously submitted), (3) a proper statement of unintentional delay, and (4) a terminal disclaimer (and fee as set forth to 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 appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
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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ERIC JUNKEL
GLJ, LLC
1415 N. DAYTON STREET, 2S
CHICAGO IL 60642

MAILED
MAY 26 2011
OFFICE OF PETITIONS

In re Application of :
Hideharu et al. :
Application No. 29/370,108 : **DECISION ON PETITION**
Filed: June 8, 2010 :
Attorney Docket No. 3146-84 :

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

This application became abandoned for failure to timely pay the issue fee and submit a new Oath/Declaration on or before February 14, 2011, as required by the Notice of Allowance and Fee(s) Due mailed November 12, 2010. Accordingly, the date of abandonment of this application is February 15, 2011. A Notice of Abandonment was mailed February 28, 2011.

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.

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 is reminded that since petitioner is not currently power of attorney the required terminal disclaimer may not be signed by Basil E. Demeur.

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.

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

cc: Basil E. Demeur
7369 W. North Avenue
River Forest, IL 60305



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KNECHTEL, DEMEUR & SAMLAN
7369 W. NORTH AVENUE
RIVER FOREST IL 60305

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of :
Hideharu et al. :
Application No. 29/370,108 : **DECISION ON PETITION**
Filed: June 8, 2010 :
Attorney Docket No. 3146-84 :

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 **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and to submit a substitute Oath or Declaration on or before February 14, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed November 12, 2010. Accordingly, the date of abandonment of this application is February 15, 2011. A Notice of Abandonment was mailed February 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 \$430.00 and a substitute Declaration (previously submitted April 1, 2011), (2) the petition fee of \$810.00 (previously paid April 1, 2011); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer with the accompanying \$70.00 fee.

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 and review of the substitute Declaration submitted on April 1, 2011.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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APR 15 2011

OFFICE OF PETITIONS

**ERIC JUNKEL
GLJ, LLC
1415 N. DAYTON STREET, 2S
CHICAGO IL 60642**

In re Application of :
Takei Hideharu :
Application No. 29/370,109 : **DECISION ON PETITION**
Filed: June 8, 2010 :
Attorney Docket No. 3146-83 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 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 application became abandoned for failure to timely pay the issue fee and to submit an Oath/Declaration on or before February 15, 2011, as required by the Notice of Allowance and Fee(s) Due mailed November 15, 2010. Accordingly, the date of abandonment of this application is February 16, 2011. A Notice of Abandonment was mailed February 28, 2011.

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. 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.

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 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/
Joan Olszewski
Petitions Examiner
Office of Petitions

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



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**ERIC JUNKEL
GLJ, LLC
1415 N. DAYTON STREET, 2S
CHICAGO IL 60642**

MAILED

JUN 09 2011

In re Application of : **OFFICE OF PETITIONS**
Takei Hideharu :
Application No. 29/370,109 : **DECISION ON PETITION**
Filed: June 8, 2010 :
Attorney Docket No. 3146-83 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 24, 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 and submit a new Oath/Declaration on or before February 15, 2011, as required by the Notice of Allowance and Fee(s) Due mailed November 15, 2010. Accordingly, the date of abandonment of this application is February 16, 2011. A Notice of Abandonment was mailed February 28, 2011.

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.

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 Eric Junkel 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 May 24, 2011 is improper.

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.

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

By mail: Mail Stop PETITIONS
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 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

cc: Basil E. Demeur
 7369 W. North Avenue
 River Forest, IL 60305



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KNECHTEL, DEMEUR & SAMLAN
7369 W. NORTH AVENUE
RIVER FOREST IL 60305

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of :
Takei Hideharu :
Application No. 29/370,109 : **DECISION ON PETITION**
Filed: June 8, 2010 :
Attorney Docket No. 3146-83 :

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 **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and to submit a substitute Oath or Declaration on or before February 15, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed November 15, 2010. Accordingly, the date of abandonment of this application is February 16, 2011. A Notice of Abandonment was mailed February 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 \$430.00 (previously paid February 28, 2011) and a substitute Declaration (previously submitted May 24, 2011), (2) the petition fee of \$810.00 (previously paid February 28, 2011); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer with the accompanying \$70.00 fee (previously paid May 24, 2011).

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 and review of the substitute Declaration submitted on May 24, 2011.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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**ROBERT M. GAMSON, E
HODES, PESSIN & KATZ, P.A.
SUITE 400
901 DULANEY VALLEY ROAD
TOWSON MD 21204**

**MAILED
MAR 31 2011
OFFICE OF PETITIONS**

In re application of :
Michele De Lucchi :
Application No. 29/370,447 : NOTICE
Filed: July 16, 2010 :
Attorney Docket No. 024783.572 :

This is a notice regarding your communication filed January 25, 2011, which is being treated as a request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The request is **DISMISSED**.

Applicant asserts that the filing fees totaling \$230.00 were incorrectly paid at the small entity rate. However, the request does not comply with the requirements under 37 CFR 1.28(c)(2)(ii), which states:

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

- A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee; two-month extension of time fee) along with the current fee amount for a non-small entity;
- (B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;
- (C) The deficiency owed amount (for each fee erroneously paid); and
- (D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Applicant is given **ONE MONTH** to submit a complete listing (itemization) of the fees erroneously paid as a small entity and the total fee deficiency to avoid the return of the present fee deficiency paper. This time period is not extendable under 37 CFR 1.136(a).

All future fees paid in this application must be paid at the large entity rate.

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



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Alexandria, VA 22313-1450
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**ROBERT M. GAMSON, ESQUIRE
HODES, PESSIN & KATZ, P.A.
SUITE 400
901 DULANEY VALLEY ROAD
TOWSON MD 21204**

**MAILED
JUN 06 2011
OFFICE OF PETITIONS**

In re application of :
Michele Delucchi :
Application No. 29/370,447 : **NOTICE**
Filed: July 16, 2010 :
Attorney Docket No. 024783.572 :

This is a notice regarding your renewed request for acceptance of a fee deficiency submission under 37 CFR 1.28 on April 6, 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 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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Commissioner for Patents
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Alexandria, VA 22313-1450
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WILLIAM M. HOBBY, III
157 E. NEW ENGLAND AVENUE, SUITE 375
WINTER PARK, FL 32789

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of
Platine DA VINCI, et.al.
Application No. 29/370,538
Filed: August 2, 2010
Attorney Docket No. **10-6195**

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 August 2, 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 the declaration of inventor James H. Muir, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

/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

RICHARD L. MILLER
12 PARKSIDE DRIVE
DIX HILLS, NY 11746

MAILED
MAR 24 2011
OFFICE OF PETITIONS

In re Application of :
Rose Spagnuolo :
Application No. 29/370,602 : **ON PETITION**
Filed: August 10, 2010 :
Attorney Docket No.: SPAR152 :

This is a decision in response to the petition, filed February 9, 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 September 27, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 28, 2010. A Notice of Abandonment was mailed on January 10, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (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). It is noted that Items (1) – (3) have been filed; however, the present renewed petition lacks item (4).

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.

In this regard, the terminal disclaimer filed February 9, 2011 is not acceptable, as it does not state the owner and the percent of interest in the application. Consequently, the petition cannot be granted until an acceptable 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-Web²

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

MAILED
MAY 26 2011
OFFICE OF PETITIONS

RICHARD L. MILLER
12 PARKSIDE DRIVE
DIX HILLS, NY 11746

In re Application of :
Rose Spagnuolo :
Application No. 29/370,602 : ON PETITION
Filed: August 10, 2010 :
Attorney Docket No.: SPAR152 :

This is a decision on the renewed petition, filed April 8, 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 September 27, 2010. A Notice of Abandonment was mailed on January 10, 2011. On February 9, 2011, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed March 24, 2011. In response, on April 8, 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 April 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 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 SERVICES
915 Merchant Walk
Suite D
HUNTSVILLE AL 35801

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of :
Scott R. Sayre :
Application No. 29/370,676 :
Filed: August 20, 2010 :
Attorney Docket No. SAYREDES10.2 :

DECISION GRANTING PETITION

This is a decision on the petition filed October 12, 2010, requesting that the above-identified application be accorded a filing date of August 20, 2010.

On August 20, 2010, the above-identified application was filed. On September 7, 2010, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" (the "Notice"), stating that the application had not been accorded a filing date because no specification and at least one claim were found with the application papers. The Notice allowed a non-extendable two-month period for reply to the requirement to file the specification and at least one claim beginning from the mailing date of the Notice.

In response, on October 12, 2010, applicants filed the present petition, a copy of the specification and claim and a postcard receipt date-stamped by the Office acknowledging receipt of 2 pages of the specification and one claim, among other items on August 20, 2010.

Upon review of the record, the specification and drawings were not located among the application papers. The evidence is convincing that the application papers deposited August 20, 2010, included two pages of the specification and one claim. Therefore, the application, including the specification and claim was complete on filing and entitled to a filing date of August 20, 2010.

Accordingly, the petition is **granted**.

The application file is being returned to the Office of Patent Application Processing for further processing with a filing date of August 20, 2010, with two pages of specification and one claim as part of the original disclosure. 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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

MAILED

JAN 20 2011

OFFICE OF PETITIONS

In re Application of :
Abrams and Sachs :
Application No. 29/370,725 : DECISION ON PETITION
Filed: 08/27/2010 :
Attorney Docket No. 729-431 :
Title: Hooded Sleeping Bag :

This is in response to the renewed petition under 37 CFR 1.47(b), filed December 15, 2010. Petitioner obtained an extension of time for response within the first month.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventors have 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.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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

Mr. Brian Abrams
14101 E. Whitetail Lane
Spokane, WA 99206

MAILED
JAN 20 2011
OFFICE OF PETITIONS

In re Application of :
Abrams and Sachs :
Application No. 29/370,725 : LETTER
Filed: 08/27/2010 :
Attorney Docket No. 729-431 :
Title: HOODED SLEEPING BAG :

Dear Mr. Abrams:

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(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 in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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).

C. F. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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



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Mr. Eric Sachs
1893 Cooke Avenue
Rossland, BC BOG 1 Y0 Canada

MAILED

JAN 20 2011

OFFICE OF PETITIONS

In re Application of :
Abrams and Sachs :
Application No. 29/370,725 : LETTER
Filed: 08/27/2010 :
Attorney Docket No. 729-431 :
Title: HOODED SLEEPING BAG :

Dear Mr. Sachs:

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(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 in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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



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Mr. Eric Sachs
P.O. Box 520
Northport, WA 99157

MAILED

JAN 20 2011

OFFICE OF PETITIONS

In re Application of :
Abrams and Sachs :
Application No. 29/370,725 : LETTER
Filed: 08/27/2010 :
Attorney Docket No. 729-431 :
Title: HOODED SLEEPING BAG :

Dear Mr. Sachs:

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(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 in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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).

C. P. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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



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Wooten & Shaddock, PLC / Alliant Techsystems Inc.
1435 Crossways Boulevard
Suite 303
Chesapeake, VA 23320

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of
Brian Abrams, et. al.
Application No. 29/370,729
Filed: August 27, 2010
Attorney Docket No. 729-432

:
: **DECISION GRANTING STATUS**
: **UNDER 37 CFR 1.47(b)**
:
:

This is in response to the petition under 37 CFR 1.47(b), filed December 15, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventors have 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 file is being referred to Technology Center Art Unit 2916 for examination in due course.

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


Andrea Smith
Petitions Examiner
Office of Petitions



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Brian Abrams
14101 E. Whitetail Lane
Spokane, WA 99206

MAILED

FEB 28 2011

OFFICE OF PETITIONS

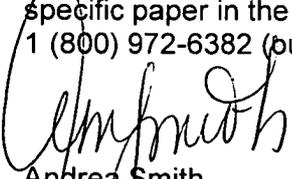
In re Application of
Brian Abrams, et. al.
Application No. 29/370,729
Filed: August 27, 2010
For: MUMMY-STYLE SLEEPING BAG

Dear Mr. Abrams:

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole 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) 272-3226. 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).


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Wooten & Shaddock, PLC / Alliant Techsystems Inc.
1435 Crossways Boulevard
Suite 303
Chesapeake, VA 23320



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Eric Sachs
P.O. Box 520
Northport, WA 99157

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FEB 28 2011

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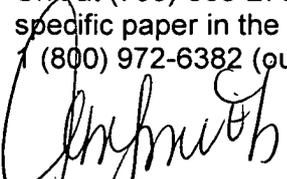
In re Application of
Brian Abrams, et. al.
Application No. 29/370,729
Filed: August 27, 2010
For: MUMMY-STYLE SLEEPING BAG

Dear Mr. Sachs:

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole 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) 272-3226. 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 (800) 972-6382 (outside the Washington, DC area).


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Wooten & Shaddock, PLC / Alliant Techsystems Inc.
1435 Crossways Boulevard
Suite 303
Chesapeake, VA 23320



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Eric Sachs
1893 Cooke Avenue
Rossland, BC BOG 1Y0
CANADA

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FEB 28 2011
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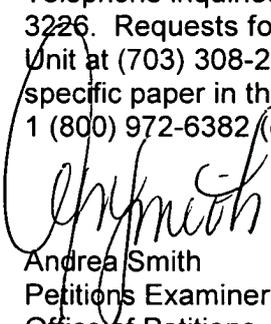
In re Application of
Brian Abrams, et. al.
Application No. 29/370,729
Filed: August 27, 2010
For: MUMMY-STYLE SLEEPING BAG

Dear Mr. Sachs:

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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole 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) 272-3226. 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).


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Wooten & Shaddock, PLC / Alliant Techsystems Inc.
1435 Crossways Boulevard
Suite 303
Chesapeake, VA 23320



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/370,818	09/09/2010	Brian K. Fabricatore	1901-1	2096
7590 JOHN LEZDEY Suite 118 2401 West Bay Drive Largo, FL 33770		10/15/2010	EXAMINER DONNELLY, KELLEY A	
			ART UNIT 2913	PAPER NUMBER
			MAIL DATE 10/15/2010	DELIVERY MODE PAPER

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

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



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John Lezdey & Associates
2401 West Bay Drive, #118
Largo, FL 33770

OCT 15 2010
Approved
[Signature]
Robert P. Olszewski, Director
Technology Center 2900

In re Application of:
Fabricatore, Brian
Serial No.: 29/370,818
Filed: September 9, 2010
Docket: 1901-1
Title: Carrier for Electronic Devices

DECISION ON PETITION FOR
EXPEDITED EXAMINATION
UNDER 37 C.F.R. § 1.155

This is a decision on the petition filed on September 9, 2010, requesting expedited examination of a design application under 37 CFR 1.155.

The petition is DENIED

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:

Items C, D and F.

Item C: The preexamination search is incomplete.

Item D: An IDS has not been submitted.

Item F: The fee for expedited examination has not been submitted.

DECISION

For the above-stated reason, the petition is DENIED.

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



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William M. Hobby, III
157 E. New England Ave., #375
Winter Park FL 32789

MAILED
OCT 05 2010
OFFICE OF PETITIONS

In re Application of :
William Lawson :
Application No. 29/370,823 : **DECISION ON PETITION**
Filed: September 13, 2010 : **TO MAKE SPECIAL UNDER**
Attorney Docket No. 10-6210 : **37 CFR 1.102(c)(1)**
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 13, 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 the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

/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

MAY 27 2011

OFFICE OF PETITIONS

BARRY G MAGIDOFF, ESQ., PAUL J.
SUTTON, ESQ.
SUTTON MAGIDOFF LLP
909 THIRD AVENUE - 27 FL
NEW YORK, NY 10022

In re Application of :
Gracelia Chiurazzi : DECISION REFUSING STATUS
Application No. 29/370,848 : UNDER 37 CFR 1.47(b)
Filed: September 14, 2010 :
Docket No. 102796.010600US :

This is a decision in response to the "REQUEST TO ACCEPT APPLICATION WITHOUT SIGNATURE OF INVENTOR" filed April 1, 2011, which is being treated as a petition under the provisions of 37 CFR 1.47(b).

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).

The above-identified application was filed on September 14, 2010, without an executed oath or declaration. Accordingly, on October 1, 2010, a "Notice to File Missing Parts of Nonprovisional Application," was mailed, requiring, within two months, an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e). Extensions of time were obtainable under § 1.136(a). On April 1, 2011, rule 47 applicants timely filed the instant petition, along with payment of the extension fee, petition fee and the late surcharge.

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.

Applicant lacks items (2) and (4).

As 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 signed declaration in compliance with 37 CFR 1.63 and 1.64 must be made by the 37 CFR 1.47(b) applicant. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary or Treasurer) may sign the oath or declaration. Where an oath or declaration is being signed on behalf of an assignee, note MPEP Section 324, which, however, presupposes that an executed assignment by the inventor has been recorded, or submitted for recordation.

As to item (4), a statement of the inventor's last known address is not included in the petition.

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-Web¹

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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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BARRY G MAGIDOFF, ESQ., PAUL J.
SUTTON, ESQ.
SUTTON MAGIDOFF LLP
909 THIRD AVENUE - 27 FL
NEW YORK, NY 10022

MAILED
SEP 02 2011
OFFICE OF PETITIONS

In re Application of :
Cracelia Chiurazzi : DECISION REFUSING STATUS
Application No. 29/370,848 : UNDER 37 CFR 1.47(b)
Filed: September 14, 2010 :
Atty Docket No.: 102796.010600US :

This is a decision on the renewed petition, filed July 27, 2011, under the provisions of 37 CFR 1.47(b).

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).

The above-identified application was filed on September 14, 2010, without an executed oath or declaration. Accordingly, on October 1, 2010, a "Notice to File Missing Parts of Nonprovisional Application," was mailed. The Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a). On April 1, 2011, rule 47 applicant timely filed a petition under 37 CFR 1.47(b); however, the petition was dismissed in a decision mailed May 26, 2011 since the petition failed to include a declaration in compliance with 37 CFR 1.63 and 1.64 and the last known address of the non-signing inventor.

On July 27, 2011, the present petition was filed, along with an executed declaration and the last known address of the non-signing inventor.

A review of the declaration reveals that the declaration is not signed in accordance with 37 CFR 1.63 and 1.64. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (Chief Executive Officer, President, Vice-President, Secretary or Treasurer) may sign the oath or declaration. Where an oath or declaration is being signed on behalf of an assignee, note MPEP Section 324, which, however, presupposes that an executed assignment by the inventor has been recorded, or submitted for recordation. The declaration of July 27, 2011 is not acceptable, as it is signed by the Chief Financial Officer.

In view of the above, the petition cannot be granted at this time.

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-Web¹

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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BARRY G. MAGIDOFF, ESQ., PAUL J. SUTTON, ESQ.
SUTTON MAGIDOFF LLP
909 THIRD AVENUE – 27 FL
NEW YORK, NY 10022

MAILED

SEP 30 2011

OFFICE OF PETITIONS

In re Application of
Gracelia Chiurazzi
Application No. 29/370,848
Filed: September 14, 2010
Attorney Docket No.: 102796.010600US

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(b)

This is a decision in response to the renewed petition under 37 CFR 1.47(b) filed September 6, 2011.

The petition is **GRANTED**.

Petitioner has shown that non-signing inventor, Gracelia Chiurazzi, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). 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 Technology Center AU 2915 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204. Inquiries concerning the examination or status of the application should be directed to the Technology Center.

/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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MS CRACELIA CHIURAZZI
74 WASHINGTON PLACE, APARTMENT 1
NEW YORK, NY 10011

MAILED

SEP 30 2011

OFFICE OF PETITIONS

In re Application of
Gracelia Chiurazzi
Application No. 29/370,848
Filed: September 14, 2010
For: HANDBAG WITH CLASP

LETTER

Dear Ms.Chiurazzi:

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 an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or 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) 272-3204. 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: BARRY G. MAGIDOFF, ESQ., PAUL J. SUTTON, ESQ.
SUTTON MAGIDOFF LLP
909 THIRD AVENUE – 27 FL
NEW YORK, NY 10022



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www.uspto.gov

LLOYD L. OSGOOD
30 Lime Drive
Murray KY 42071

MAILED

OCT 12 2010

In re Application of	:	OFFICE OF PETITIONS
Lloyd L. Osgood	:	
Application No. 29/370,973	:	DECISION ON PETITION
Filed: September 28, 2010	:	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 September 27, 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 the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
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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DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

MAILED

AUG 26 2011

In re Application of
Michael Stutzel
Application No. 29/371,068
Filed: October 7, 2010
Attorney Docket No. 10096D

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition, filed July 27, 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 **DISMISSED**.

This application was held abandoned for failure to reply to the Notice of Allowance (Notice) mailed March 29, 2011 which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on July 20, 2011.

A review of the record discloses that while petitioner made a bona-fide attempt to timely reply the issue and publication fees to the Notice of Allowance and Fee(s) due, however, the credit card used was declined. Since the petitioner did not give prior authorization nor did petitioner have an authorization to charge a deposit account on file, application is considered properly abandoned.

In view of the above, the petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment cannot be granted at the present time.

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:

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office Data Management at their hotline 571-272-4200.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement;



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DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
Michael Stutzel :
Application No. 29/371,068 : DECISION ON PETITION
Filed: October 7, 2010 :
Attorney Docket No. 10096D :

This is a decision on the petition under 37 CFR 1.137(b), filed September 2, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before June 29, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 29, 2011, which set a statutory period for reply of three (3) months. Accordingly, the 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 payment of the issue fee of \$430 and corrected formal drawings, (2) the petition fee of \$810, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as 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 draftsman.

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 in accordance with this decision on petition.


April M. Wise
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/371,129	10/27/2010	Stephan Baum	080437.25043US	5556
23911	7590	07/29/2011	EXAMINER	
CROWELL & MORING LLP			CADMUS, STACIA A	
INTELLECTUAL PROPERTY GROUP			ART UNIT	PAPER NUMBER
P.O. BOX 14300			2913	
WASHINGTON, DC 20044-4300			MAIL DATE	DELIVERY MODE
			07/29/2011	PAPER

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

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



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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
PO BOX 14300
WASHINGTON DC 20044-4300

7/29/11

In re application of
Stephan Baum
Application No. 29/371,129
Filed: October 27, 2010
For: **WHEEL OR WHEEL COVER**

**DECISION ON PETITION
TO EXPUNGE INFORMATION
UNDER 37 CFR § 1.59**

This is a decision on the petition under 37 CFR 1.59(b), filed June 15, 2011, to expunge information from the above identified application.

The petition is **DISMISSED AS MOOT**.

Petitioner requests that the inadvertently filed Fee Transmittal Form (Form PTOL-85), filed June 15, 2011, be expunged from the record. Petitioner states that the electronically filed Fee Transmittal form for application 29/371,362 be expunged from the file. Failure to expunge this information would cause irreparable harm to the party in interest on whose behalf the information was submitted. The petition fee set forth in 37 CFR 1.17(h) has been paid.

Upon review of the file no Fee Transmittal form for application 29/371,362 was found in the file. Only the Fee Transmittal form for the present application was found. Therefore, this petition is moot.

Any questions regarding this letter should be directed to Caron Veynar at (571) 272-2646.

Robert Olszewski
Director
Patent Technology Center 2900



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Alexandria, VA 22313-1450
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**CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300**

**MAILED
AUG 02 2011
OFFICE OF PETITIONS**

In re Application of :
Stephan Baum :
Application No. 29/371,129 : DECISION ON PETITION
Filed: October 27, 2010 :
Attorney Docket No. 080437.25043US :

This is a decision on the petition under 37 CFR 1.59(b), filed June 15, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that a Fee Transmittal Form (PTOL-85) identifying application No. 29/371,362, filed June 15, 2011, be expunged from the record. Petitioner indicates that a PTOL-85 was submitted for both the 29/371,362 and 29/371,129 application but that the '362 form was submitted by mistake.

The petition is deficient because the file record does not contain the paper to be expunged. The file contains only a PTOL-85 for application No. 29/371,129 which is the instant application. All identifiers on that form match those of the instant application.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/371,247	12/13/2010	Kaori Mishima	MJK-723-2948	2849
23117	7590	03/08/2012	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			LEE, SUSAN M	
			ART UNIT	PAPER NUMBER
			2917	
			NOTIFICATION DATE	DELIVERY MODE
			03/08/2012	ELECTRONIC

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

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

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

PTOMAIL@nixonvan.com
clm@nixonvan.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

March 7, 2012

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

Re Application of
MISHIMA, KAORI
Application: **29/371247**
Filed: **12/13/2010**
Attorney Docket No: **MJK-723-2948**

: **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) December 13, 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



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MAILED

Paper No.

SEP 12 2011

OFFICE OF PETITIONS

PAUL R. MARTIN
730 Glacier Way
FAIRFIELD CA 94534

In re Application of :
Gonzalez et al. :
Application No. 29/372,054 : DECISION ON PETITION
Filed: October 12, 2010 : PURSUANT TO
Attorney Docket No.: PRM/UPR : 37 C.F.R. § 1.137(A)
1057118-A :
Title: CLEAN OUT COVER UNIT :

This is a decision on the petition filed on August 8, 2011, pursuant to 37 C.F.R. § 1.137(a), to revive the above-identified application.

This petition is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 1, 2011, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings.¹ Accordingly, the above-identified application became abandoned on July 2, 2011. A Notice of Abandonment was mailed on July 18, 2011.

RELEVANT PORTION OF THE C.F.R.

37 C.F.R. § 1.8(b) sets forth, *in toto*:

(b) 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,

¹ See MPEP § 710.02(e)(III).

or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, 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 and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. 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.

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(1);
- (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 alleged that a response was submitted via the USPS on June 17, 2011. Petitioner has further included, *inter alia*, a copy of this response (a single Figure along with an amendment directing the entry of the same), and it is noted that it contains a certificate of mailing, executed by Petitioner and dated June 17, 2011.

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 a response was timely submitted, pursuant to 37 C.F.R. § 1.8.

Each of the four requirements of 37 C.F.R. § 1.137(a) has been satisfied.

The receipt of the petition fee and both a terminal disclaimer and the associated fee is acknowledged.

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

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.



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EMCH, SCHAFFER, SCHAUB & PORCELLO CO
P O BOX 916
ONE SEAGATE SUITE 1980
TOLEDO OH 43697

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of :
Jeremy J. Jacobs :
Application No. 29/372,082 : **DECISION ON PETITION**
Filed: October 13, 2010 :
Attorney Docket No. 10070 :

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 **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before May 2, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed January 31, 2011. Accordingly, the date of abandonment of this application is May 3, 2011. A Notice of Abandonment was mailed May 16, 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 \$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/
Joan Olszewski
Petitions Examiner
Office of Petitions



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RICHARD MICHAEL
957 S. VAN NESS AVE.
SAN FRANCISCO CA 94110

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
MICHAEL, Richard	:	
Application No. 29/372,106	:	DECISION ON PETITION
Filed: October 15, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 15, 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**.

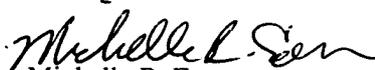
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Richarch Michael attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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 2913 for action on the merits commensurate with this decision.


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

ZIES WIDERMAN & MALEK
1990 W. NEW HAVEN AVENUE, SUITE 201
MELBOURNE, FL 32904

MAILED

FEB 22 2012

OFFICE OF PETITIONS

In re Application of
Steven P. Porter
Application No. 29/372,115
Filed: October 15, 2010
Attorney Docket No.: 10120

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 on or before December 20, 2011, as required by the Notice of Allowance and Fee(s) Due mailed September 20, 2011. Accordingly, the date of abandonment of this application is December 21, 2011. A Notice of Abandonment was mailed on January 5, 2012. 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 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MERONI & MERONI, P.C.
P.O. BOX 309
BARRINGTON, IL 60011

MAILED

MAR 28 2012

OFFICE OF PETITIONS

In re Application of
Steven P. Porter
Application No. 29/372,115
Filed: October 15, 2010
Attorney Docket No.: 10120

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:
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:
:

ON PETITION

U.S. Patent and Trademark Office records show that a decision was mailed in the above-identified application on February 22, 2012, to an incorrect correspondence address. Accordingly, the decision mailed February 22, 2012 is modified to the extent indicated in this corrected decision.

This is a corrected decision on the petition filed January 12, 2012, 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 December 20, 2011, as required by the Notice of Allowance and Fee(s) Due mailed September 20, 2011. Accordingly, the date of abandonment of this application is December 21, 2011. A Notice of Abandonment was mailed on January 5, 2012. 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 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 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 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

CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 403
NEW YORK, NY 10038

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
Wai K. Chau :
Application No. 29/372,169 :
Filed: October 25, 2010 :
Attorney Docket No. 18671 B :

ON PETITION

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

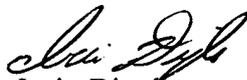
The petition is **GRANTED**.

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 February 9, 2011, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 10, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110815

DATE : August 12, 2011

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D637743

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

CHARLOTTE JORST
SKAGEN DESIGNS, LTD.
640 MAESTRO DRIVE
SUITE 100
RENO, NV 89511

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Application of :
Charlotte Kjolbe Jorst, et al. :
Application No. 29/372,252 : ON PETITION
Filed: November 2, 2010 :
Attorney Docket No. 32 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 29, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure s to timely pay the issue on or before March 10, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 10, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on 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) (3).

The petition filed is not acceptable. 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.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition and the amendment is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Charlotte Kjolbe Jorst) was ever given a power of attorney to act on behalf of inventors Henrik Jorst, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

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
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Alexandria, VA 22313-1450
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**CHARLOTTE JORST
SKAGEN DESIGNS, LTD.
640 MAESTRO DRIVE
SUITE 100
RENO NV 89511**

**MAILED
SEP 29 2011
OFFICE OF PETITIONS**

In re Application of :
Charlotte Kjolbe Jorst, et al. :
Application No. 29/372,252 : DECISION ON PETITION
Filed: November 2, 2010 :
Attorney Docket No. 32 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 12, 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 March 10, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 10, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 11, 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 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
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Alexandria, VA 22313-1450
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DONALD E. SCHREIBER
P.O. BOX 2926
KINGS BEACH, CA 96143-2926

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :
John Tanaka :
Application No. 29/372,295 :
Filing Date: November 5, 2010 :
Attorney Docket No. 2277 :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 5, 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.

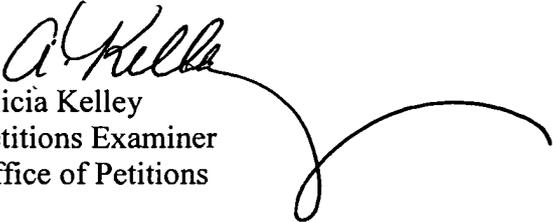
The petition is **GRANTED**.

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 (PTO/SB/130 form) by the applicant that he is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.


Alicia Kelley
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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Alexandria, VA 22313-1450
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DONALD E. SCHREIBER
P.O. BOX 2926
KINGS BEACH CA 96143-2926

MAILED
DEC 22 2010
OFFICE OF PETITIONS

In re Application of :
John Tanaka :
Application No. 29/372,296 : **ON PETITION**
Filed: November 5, 2010 :
Attorney Docket No. 2276 :
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 5, 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 (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

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

R. KEITH HARRISON
2139 E. BERT KOUNS
SHREVEPORT, LA 71105

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of
Michaëlle Gordon
Application No. 29/372,371
Filed: November 12, 2010
Attorney Docket No.: 1270

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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 **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed August 5, 2011. A Notice of Abandonment was mailed on November 18, 2011. On December 19, 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 and a substitute oath; (2) the petition fee of \$930; (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 December 19, 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
www.uspto.gov

Eugene Carl Wagner
1626 Chastain Parkway East
Pacific Palisades CA 90272

MAILED

DEC 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Eugene Carl Wagner	:	
Application No. 29/372,426	:	DECISION ON PETITION
Filed: November 18, 2010	:	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 December 2, 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 the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

/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

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

MAILED

MAR 08 2012

OFFICE OF PETITIONS

In re Application of :
Jones :
Application No. 29/372,439 : DECISION ON PETITION
Filed: November 18, 2010 :
Attorney Docket No. 3384-P10289US :

This is a decision on the petition under 37 CFR 1.137(b), filed January 25, 2012, 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 30, 2011, as required by the Notice of Allowability, mailed September 30, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 31, 2011. A Notice of Abandonment was mailed on January 23, 2012.

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 \$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 submit replacement drawings as required by the Notice of Allowability is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
JUN 06 2011
OFFICE OF PETITIONS

In re Application of :
Alstrom et al. : DECISION REFUSING STATUS
Application No. 29/372,520 : UNDER 37 CFR 1.47(a)
Filed: 12/02/2010 :
Attorney Docket No. 729-398 :

This is in response to the petition under 37 CFR 1.47(a) filed May 20, 2011.

The petition is **dismissed**.

Applicants are 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 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).

Patent practitioner, Peter A. Shaddock II, asserted that a complete copy of the application papers (specification, claims and drawings) and a Declaration/Power of Attorney were forwarded to non-signing inventor, Charles E. Buis III, via email. Mr. Shaddock stated that an executed Declaration/Power of Attorney has not been received from the non-signing inventor as of the filing of this petition. A copy of the email correspondence did not accompany this petition.

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. Applicants lacks item (1).

Applicants have not submitted sufficient proof that the non-signing inventor received the email containing the application papers. Moreover, applicants did not provide any evidence that the email address was a current email address monitored regularly by the non-signing inventor. Accordingly, in any renewed petition, applicants must show that the non-signing inventor was presented with a copy of

the application papers (specification, including the claims, drawings, if any, and the declaration) for the present nonprovisional application. In this case, as applicants are aware of the non-signing inventor's last known addresses, it is suggested that applicants mail a copy of the application papers, return receipt requested, to the non-signing inventor.

Applicants may show that a copy of the application was mailed or presented to the non-signing inventor for review by providing a copy of the cover letter accompanying the application papers. Additionally, applicants may set forth the facts in an affidavit or statement by a person having first-hand knowledge of the events. If the application is returned as undeliverable, applicants should submit a copy of the envelope, showing that the copy of the application papers was sent to the last known address of the non-signing inventor, but was returned as undeliverable. Likewise, if the non-signing inventor refuses to execute the declaration in writing, applicants 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 facts. If applicants are unable to locate the non-signing inventor at the last known mailing address, applicants should explain their efforts to locate the non-signing inventor and include copies of any Internet searches for a current address, etc.

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) 272-8300
 Attn: Office of Petitions

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

Telephone inquiries related to this decision may be directed to the 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

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

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of :
Alstrom et al. : DECISION NOTING JOINDER OF
Application No. 29/372,520 : INVENTOR AND PETITION UNDER
Filed: 12/02/2010 : 37 CFR 1.47(a) AS MOOT
Attorney Docket No. 729-398 :

This is in response to the renewed petition under 37 CFR 1.47(a) filed June 15, 2011.

In response to the decision dismissing the original petition under 37 CFR 1.47(a), applicants submitted a declaration signed by all of the named inventors in the application. In view of the joinder of the inventors, further consideration under 37 CFR 1.47(a) is not necessary.

Accordingly, the petition is dismissed as involving a moot issue. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application does not need to be returned to the Office of Petitions for further consideration under 37 CFR 1.47(a).

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

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

C. Y. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120112

DATE : January 12, 2012

TO SPE OF : ART UNIT 2912

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

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments:

/STELLA REID/
Supervisory Patent Examiner.Art Unit 2912

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 12, 2012

TO SPE OF : ART UNIT 2915 SPE Robert Spear

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/372,534 Patent No.: D650,579 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 Building
2800 South Randolph Street
Arlington, VA 22206**

Should Item (30) Foreign Application Priority Data be inserted on the title page as requested by applicant?
See COCIN dated 1-3-2012

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.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

_____ **SPE /Robert M. Spear/ Art Unit 2915** _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 12, 2012

TO SPE OF : ART UNIT 2915 SPE Robert Spear

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/372,582 Patent No.: D650,588 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 Building
2800 South Randolph Street
Arlington, VA 22206**

Should Item (30) Foreign Application Priority Data be inserted on the title page as requested by applicant?
See COCIN dated 1-3-2012

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.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

_____ **SPE_/Robert M. Spear/** **Art Unit_2915** _____



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

Ward & Zinna, LLC
SUITE 300
382 SPRINGFIELD AVENUE
SUMMIT NJ 07901

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of :
Massoud et al. :
Application No. 29/372,593 : DECISION ON PETITION
Filed: December 9, 2010 :
Attorney Docket No. 366-011 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to the Notice to File Missing Part mailed December 30, 2010. The Notice to File Missing Parts set a two (2) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on March 1, 2011. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$130 surcharge and declaration (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)).

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 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



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON, DC 20036-5304

MAILED
JAN 25 2012
OFFICE OF PETITIONS

In re Application of :
John Nino, et al/ :
Application No. 29/372,976 : ON PETITION
Filed: February 12, 2011 :
Attorney Docket No. ECA 10820 :

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

The petition is **GRANTED**.

The application became abandoned for failure to submit a new oath/declaration in a timely manner in reply to the Notice of Allowability, mailed August 17, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned 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 required oath/declaration, (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 file the new oath/declaration 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 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 571-272-4200.

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



April M. Wise
Petitions Examiner
Office of Petitions

cc: MARK H. KRIETZMAN
600 ANTON BOULEVARD
SUITE 900
COSTA MESA, CA 92626-7221



UNITED STATES PATENT AND TRADEMARK OFFICE

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MEYER CORPORATION, U.S.
ATTN: EDWARD S. SHERMAN, ESQ.
ONE MEYER PLAZA
VALLEJO, CA 94590

MAILED

FEB 22 2012

OFFICE OF PETITIONS

In re Application of
Robert A. Rae
Application No. 29/373,029
Filed: February 18, 2011
Attorney Docket No.: 137.140.1D

:
:
:
:
:
:

ON PETITION

This is a decision in response to the petition, filed January 12, 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 timely pay the issue fee on or before December 2, 2011, as required by the Notice of Allowance and Fee(s) Due mailed September 2, 2011. Accordingly, the application became abandoned on December 3, 2011. A Notice of Abandonment was subsequently mailed on December 19, 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 issue fee of \$990, (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 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 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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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

APR 13 2011

OFFICE OF PETITIONS

In re Application of :
Mario Alexander Turchi :
Application No. 13/024,768 :
Filed: February 10, 2011 :
For: Container :
: DECISION ON PETITION
:
In re Application of :
Mario Alexander Turchi :
Application No. 29/373,123 :
Filed: February 10, 2011 :
For: Container :

This is a decision in response to the "PETITION PURSUANT TO 37 C.F.R. §1.182 TO CONVERT APPLICATION UNINTENTIONALLY MISFILED AS A UTILITY APPLICATION TO A DESIGN APPLICATION", filed February 16, 2011.

The petition is GRANTED.

It is obvious from reviewing the papers filed on February 10, 2011 that applicant intended to file a design application, but through an unintentional error when transmitting the application electronically, designated the application as a utility application rather than a design application.

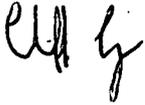
The original papers filed on February 10, 2011, including the Declaration, Preliminary Amendment, and one page of Specification, including one claim and thirteen (13) drawing figures have been removed from the file of Application No. 13/024,768 and has been assigned Application No. 29/373,123.

Application No. 13/024,768

Page 2

Application No. 29/373,123 is being forwarded to the Office of Patent Application Processing for pre-examination processing.

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



Cliff Congo
Petitions Attorney
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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**MARIA KRAUTNER
1208 ROCKLEDGE LN # 6
WALNUT CREEK CA 94595**

**MAILED
MAY 16 2011
OFFICE OF PETITIONS**

In re Application of :
Maria Krautner :
Application No. 29/373,221 : **ON PETITION**
Filed: March 21, 2011 :
Title: Glove Shaper :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 21, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2911 for action on the merits commensurate with this decision.

/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

WILLIAM M. HOBBY, III
157 E. NEW ENGLAND AVENUE, #375
WINTER PARK FL 32789

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of	:	
WICKS, et al	:	
Application No. 29/373,224	:	DECISION ON PETITION
Filed: March 22, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 11-6237	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 22, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes an affidavit from Inventor Frederic Wicks. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane 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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WILLIAMS G. SYKES
3669 SEAGULL BLUFF DRIVE
VIRGINIA BEACH VA 23455

MAILED
SEP 22 2011
OFFICE OF PETITIONS

In re Application of :
Stockard :
Application No. 29/373,430 :
Filed: April 8, 2011 :
Attorney Docket No. WSS-539 :
For: CHEST REST PROTECTIVE VEST :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed September 14, 2011, requesting withdrawal of the holding of abandonment of the above-identified application.

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

This application was held abandoned for failure to respond in a timely manner to the Notice of Allowability, mailed May 18, 2011, which set forth a non-extendable three (3) month period for reply. The Office contended that this application became abandoned on August 19, 2011. A Notice of Abandonment was mailed on September 1, 2011.

Petitioner asserts a proper reply in the form of a corrected drawing was timely filed on certificate of mailing date August 15, 2011.

The official application file does not contain the corrected drawing. However, petitioner has filed a copy of the NOTICE OF ALLOWANCE WITH DRAWING that includes a certificate of mailing bearing an August 15, 2011 date of deposit affixed thereto.

Under 37 CFR 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 CFR 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 CFR 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The NOTICE OF ALLOWANCE WITH DRAWING contains a certificate of mailing, dated August 15, 2011, in compliance with the requirements of 37 CFR 1.8(a)(1) as set forth above. In

addition, the person signing the certificate, Attorney William G. Sykes, had reasonable basis to expect that the correspondence would be mailed on August 15, 2011.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the September 1, 2011 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to the Office of Data Management for consideration of the corrected drawing filed on certificate of mailing date August 15, 2011 and resubmitted with the present petition on September 14, 2011.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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**JOSEPH GORDON PRESCOTT
1780 WILBOURNE ROAD
OAKLAND TN 38060**

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Joseph Gordon Prescott	:	
Application No. 29/373,486	:	DECISION ON PETITION
Filed: April 15, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 15, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by inventor Joseph Gordon Prescott, attesting to his/her age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

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

The application is being forwarded to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/22/2011
TO SPE OF : ART UNIT 2915 Robert Spear SR
SUBJECT : Request for Certificate of Correction for Appl. No.: 29/373518 Patent No. D646 894

CofC mailroom date: _____

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

Note: _____



Certificates of Correction Branch
571-272-8680 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: _____



SPE
2915
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/373,522	04/19/2011	Robert Mahaffey	85684-798129	9785
20350	7590	07/06/2011	EXAMINER	
KILPATRICK TOWNSEND & STOCKTON LLP			KIRSCHBAUM, GEORGE D	
TWO EMBARCADERO CENTER			ART UNIT	PAPER NUMBER
EIGHTH FLOOR			2913	
SAN FRANCISCO, CA 94111-3834			NOTIFICATION DATE	DELIVERY MODE
			07/06/2011	ELECTRONIC

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

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

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

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com



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www.uspto.gov

Kilpatrick Townsend & Stockton LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

7/6/11

In re Application of:
Mahaffey, Robert et al.
Serial No.: 29/373,522
Filed: April 19, 2011
Docket: 85684-798129
Title: Security Apparatus

:
:
: DECISION ON PETITION FOR
: EXPEDITED EXAMINATION
: UNDER 37 C.F.R. § 1.155
:
:

This is a decision on the petition filed on April 19, 2011, 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 deficiency:

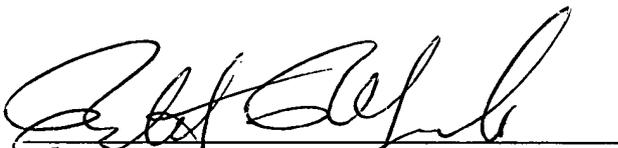
Item C has not been filed.

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



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FLYNN THIEL BOUTELL & TANIS PC
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of :
Lee, et al. :
Application No. 29/373,822 : ON PETITION
Filed: May 26, 2011 :
Attorney Docket No. 3138.P0849US :

This is a decision on the petition under 37 CFR 1.10(d), filed August 1, 2011.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed via Express Mail mailing label No. EM 573689647 US on May 26, 2011, not May 25, 2011, the date accorded to the application by the PTO. Petitioner has supplied a copy of the Express Mail mailing label, bearing a "date-in" entry of May 25, 2011, but containing a USPS stamp dated May 26, 2011.

37 CFR 1.10(d) states that any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Emphasis added.

Here, the Express Mail mailing label supplied by petitioner bears corroborating evidence from the USPS in the form of the USPS stamp, dated May 26, 2011. In addition, a review of USPS records online confirms that Express Mail mailing label No. EM 573689647 US was deposited on May 26, 2011.

Accordingly, it is concluded that the application was filed (i.e. deposited with the USPS as Express Mail) on May 26, 2011.

Given the basis for granting this petition, no fee was required, and none has been charged.

The application file is being forwarded to the Office of Patent Application Processing for further processing with a filing date of **May 26, 2011**.

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



Cliff Congo
Petitions Attorney
Office of Petitions



FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

MAILED

SEP 29 2011

In re Application of
Yeon-Moo Chung et al.
Application No. 29/373,823
Filed: May 26, 2011
Attorney Docket No. **3138.P0847US**

OFFICE OF PETITIONS
:
:
:
DECISION GRANTING PETITION
:
:
:

CORRECTED DECISION¹

This is a decision on the petition filed August 1, 2011, under 37 CFR 1.10 to correct the filing. The petition is being treated under 37 CFR 1.10(d), to accord a filing date of May 26, 2011, rather than the presently accorded filing date of May 25, 2011.

Petitioner alleges that the application was deposited in Express Mail service on May 26, 2011. Amongst the evidence provided is Express Mail Label EM573689647US with a date-in of May 25, 2011 but with a USPS postmark of May 26, 2011. The USPS Track and Confirm information from the USPS website indicates express mail package EV863728993US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) was delivered on May 27, 2011.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service was May 26, 2011 and therein, the application is entitled to a filing date of May 26, 2011.

It should be noted however that this application is being treated as a petition under 37 CFR 1.10(d) because the copy of the express mail label does not in fact indicate a "date-in" of May 26, 2011. In fact, the "date-in" is May 25, 2011 and thus, the package was properly given a filing date of May 25, 2011. The error in the filing date was not occasioned by the USPTO and instead it was postal service error. However, in view of the evidence presented, (postmark and track and confirm details) the petition is **GRANTED**.

No fees are due and none will be charged.

¹The decision mailed August 12, 2011 has been vacated and replaced with this decision to correct the filing dates.

The application is being returned to Office of Patent Application Processing for reprocessing with a filing date of May 26, 2011, not May 25, 2011.

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/374,137	07/07/2011	Joseph Csokmay	090189.021500	6308
30734	7590	09/14/2011	EXAMINER	
BAKER & HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304			ALBERT, ELIZABETH	
			ART UNIT	PAPER NUMBER
			2913	
			NOTIFICATION DATE	DELIVERY MODE
			09/14/2011	ELECTRONIC

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

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

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

patents@bakerlaw.com



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BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE N.W.
WASHINGTON DC 20036-5304

9/14/11

In re application of :
Joseph Csokmay :
Application No. 29/374,137 :
Filed: July 7, 2011 :
For: PEN :

**DECISION ON PETITION TO
EXPUNGE INFORMATION
UNDER 37 CFR § 1.59**

This is a decision on the petition under 37 CFR 1.59(b), filed July 28, 2011, to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that 5 unintentionally submitted pages that were inadvertently inserted among the references submitted with the Information Disclosure Statement, under 37 CFR 1.56, filed July 7, 2011, be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protected order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party of interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The information in question has been determined by the undersigned not to be material to the examination of the instant application.

Applicant is required to retain the expunged material for the life of any patent which issues on the above-identified application.

The 5 pages in question have been closed in the electronic file and cannot be viewed by the public.

Any questions regarding this letter should be directed to Ms. Caron Veynar at (571) 272-2646.

Robert Olszewski
Director
Patent Technology Center 2900



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**RICHARD L. MILLER
12 PARKSIDE DRIVE
DIX HILLS NY 11746**

MAILED

SEP 09 2011

In re Application of	:	OFFICE OF PETITIONS
Robert F. Alcom et al.	:	
Application No. 29/374,179	:	DECISION ON PETITION
Filed: July 11, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ALCR291	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 31, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by an attorney on behalf of inventor Robert Francis Alcom attesting to his/her age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

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

The application is being forwarded to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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	29/374,495	Confirmation Number	9389	Filing Date	2011-08-22
Attorney Docket Number (optional)	THOL111	Art Unit	2913	Examiner	Not Yet Known
First Named Inventor	Thompson, Lewis E.				
Title of Invention	ELECTRIC HYDRAULIC POWER STEP				
<p>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 <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>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.</p> <p>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.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
Lewis	Edward	Thompson			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/Richard L. Miller/		Date (YYYY-MM-DD)	2011-10-06	
Name	Richard L. Miller		Registration Number	26309	

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 Freedom 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 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 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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In re Application of
Lewis E. Thompson

:
:

Application No. 29374495

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

Filed: August 22, 2011

:

Attorney Docket No. THOL111

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 06-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of :
Scott et al. : DECISION ON PETITION
Application No. 29/375,065 :
Filed: September 16, 2010 :
Atty. Docket No. 7820-98591 :
For: SWIM BOARD :

This is a decision on the "PETITION TO ADD INADVERTENTLY OMITTED MATERIAL UNDER 37 C.F.R. § 1.57(a) AND RETAIN THE ORIGINAL FILING DATE," filed September 30, 2010, requesting that the above-referenced application be accorded a filing date of September 16, 2010.

The petition under 37 CFR 1.57(a)(3) is **GRANTED**.

Application papers in the above-identified application were filed on September 16, 2010. However, on September 28, 2010, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the specification did not include a claim as prescribed by 35 U.S.C. 112.

In response, applicants timely filed this petition. In which, applicants acknowledge inadvertently omitting a copy of the claim from the parent application on submission of the instant continuation application. Applicants argued, however, that the filing date of September 16, 2010, should still be accorded pursuant to § 1.57(a)(3).

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).

It is noted that the application as filed was accompanied by an Application Data Sheet, with a claim under 1.78 for the benefit of prior-filed Application No. 29/300,039. Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior filed application as to the inadvertently omitted portion of the specification.

The instant petition includes an amendment adding the inadvertently omitted portion of the specification, along with the necessary \$400.00 petition fee.

In view of the incorporation by reference of the prior application, the claim supplied on September 30, 2010, would not constitute new matter if it were a part of the original disclosure of the prior application. Of course, the examiner is expected to compare the claim supplied on September 30, 2010, to the disclosure of prior Application No. 29/300,039 in order to verify that it is an accurate copy of the prior claim and that it contains no new matter.

In view thereof, the petition is **granted**.

It is unnecessary to address the merits of applicants' other arguments for according a filing date of September 16, 2010 to the application, as the requested relief will be granted under 37 CFR 1.157(a)(3).

The application is being forwarded to the Office of Patent Application Processing (OPAP) for **according of a filing date of September 16, 2010**, as a continuation application under 37 CFR 1.53(b) of prior Application No. 29/300,039, using the copy of claim from the prior application supplied on September 30, 2010. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.



Christopher Bottorff
Supervisor
Office of Petitions



Karish & Bjorgum, PC
510 W. 6th Street
Suite 308
Los Angeles CA 90014

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of
Gledhill
Application No. 29/375,130
Filed: October 13, 2010
Attorney Docket No. 11048.17
For: GLOVE

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed April 22, 2011, requesting that the above-identified application be processed as a continued prosecution application of Application No. 29/358,504.

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

A Notice of Allowance and Fee(s) Due and a Notice of Allowability were mailed on June 17, 2010 in Application No. 29/358,504. These notices set a three month non-extendable period for reply. On September 17, 2010, applicant filed a Continued Prosecution Application (CPA) Request Transmittal, the \$50.00 search fee, and \$70.00 examination fee, and the \$110.00 design application filing fee for a CPA. The CPA Request Transmittal identified Application No. 29/358,504. On October 5, 2010, the Office mailed a Notice of Incomplete Application, informing applicant of a number of deficiencies in the September 17, 2010 filing and assigning the papers filed on that day Application No. 29/375,130 with a filing date of September 17, 2010. It is noted that applicant responded to the October 5, 2010 Notice on October 13, 2010.

Applicant now request that the Office process Application No. 29/375,130 as a CPA of Application No. 29/358,504.

37 CFR 1.53. Application number, filing date, and completion of application.

- (d) Application filing requirements - Continued prosecution (nonprovisional) application .
 - (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
- (ii) 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(c) is granted in the prior application;
 - (B) Abandonment of the prior application; or
 - (C) Termination of proceedings on the prior application.
- (2) The filing date of a continued prosecution application is the date on which a request on a separate paper for an application under this paragraph is filed. An application filed under this paragraph:
 - (i) Must identify the prior application;
 - (ii) Discloses and claims only subject matter disclosed in the prior application;
 - (iii) Names as inventors the same inventors named in the prior application on the date the application under this paragraph was filed, except as provided in paragraph (d)(4) of this section;
 - (iv) Includes the request for an application under this paragraph, will utilize the file jacket and contents of the prior application, including the specification, drawings and oath or declaration from the prior application, to constitute the new application, and will be assigned the application number of the prior application for identification purposes; and
 - (v) Is a request to expressly abandon the prior application as of the filing date of the request for an application under this paragraph.
- (3) The filing fee, search fee, and examination fee for a continued prosecution application filed under this paragraph are the basic filing fee as set forth in § 1.16(b), the search fee as set forth in § 1.16 (l), and the examination fee as set forth in § 1.16(p).

...

The papers required to be filed in the U.S. Patent and Trademark Office in order to secure a filing date under 37 CFR 1.53(d) are minimal compared to 37 CFR 1.53(b). As stated in 37 CFR 1.53(d)(2)(iv), under the CPA procedure, the continuation or divisional application will utilize the file wrapper and contents of the prior nonprovisional application, including the specification, drawings and oath or declaration from the prior nonprovisional application, and will be assigned the same application number as the prior nonprovisional application.

The September 17, 2010 CPA Request transmittal met the following requirements: (A) the prior application is a design application, (B) the correct application number of the prior nonprovisional application is identified in the request, (C) the request is properly signed, (D) the prior nonprovisional application was pending on, and that the issue fee has not been paid in the prior nonprovisional application on or prior to, the filing date of the CPA request, (E) the prior nonprovisional application was complete under 37 CFR 1.51(b) (e.g., the filing fee has been paid and a signed oath or declaration under 37 CFR 1.63 has been filed in the prior application), and (F) the proper filing fee has been paid in the CPA.

As applicant met the requirements to secure a filing date as a CPA on September 17, 2010, the papers filed on that day should have been assigned the application number of the prior application. The petition is granted.

After the mailing of this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for further processing. OPAP will process Application No. 29/375,130 as a CPA of Application No. 29/358,504.

Applicant is informed a "Notice of Abandonment" is not mailed in the prior application as a result of the filing of a CPA, nor is a filing receipt normally mailed for a CPA.

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


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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

MAILED

OCT 21 2010

OFFICE OF PETITIONS

In re Application of :
Savarese et al. :
Application No. 29/375,140 :
Filed: September 17, 2010 :
Attorney Docket No. 006196.P017X :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 1, 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 (PTO/SB/130 form) by the applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petitions Examiner
Office of Petitions



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NOV 22 2011

OFFICE OF PETITIONS

SHUTTLEWORTH & INGERSOLL, P.L.C.
115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS IA 52406

In re Application of :
Xiao Chen et al. :
Application No. 29/375,178 : **NOTICE**
Filed: September 17, 2010 :
Attorney Docket No. **17157-0024** :

This is a notice regarding your request filed October 12, 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 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) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 06/23/11

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29375287 Patent No.: D634665

CofC mailroom date: 06/13/11

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: _____

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: _____
_____ *Av: 2911*



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SHENZHEN BECOME BIOTECH CO., LTD.
Goldfield Industrial Center
Room 813
1 Shui Wo Road
Fotan, New Territories HK HONG KONG

In re Application of
CHENG, HONGFEI
Application No.: 29/375,304
Filing or 371(c) Date: September 21, 2010
Attorney Docket Number: 34873

AUG 30 2011

:
: 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 June 24, 2011 and August 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 January 11, 2011 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on April 26, 2011.

Petitioner states that the issue fee transmittal and payment were timely faxed to USPTO on February 11, 2011. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. As authorized, the issue fee of \$430.00 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



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SHENZHEN BECOME BIOTECH CO., LTD.
Goldfield Industrial Center
Room 813
1 Shui Wo Road
Fotan, New Territories HK HONG KONG

In re Application of
CHENG, HONGFEI
Application No.: 29/375,305
Filing or 371(c) Date: September 21, 2010
Attorney Docket Number: 34874

AUG 30 2011
:
: 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 June 24, 2011 and August 19, 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 January 11, 2011 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on April 26, 2011.

Petitioner states that the issue fee transmittal and payment were timely faxed to USPTO on February 11, 2011. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. As authorized, the issue fee of \$430.00 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



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NYEMASTER, GOODE, WEST, HANSELL & O'BRIEN, P.C.
625 FIRST STREET SE
SUITE 400
CEDAR RAPIDS IA 52401

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of :
Edward A. Kufner et al :
Application No. 29/375,338 : DECISION ON PETITION
Filed: September 21, 2010 :
For: TILE ALIGNMENT AND :
LEVELING DEVICE :

This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 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 17, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 17, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 18, 2011. A Notice of Abandonment was mailed on March 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 the \$430.00 issue fee, (2) the petition fee of \$810.00, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of November 17, 2010 is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

MAILED
FEB 18 2011
OFFICE OF PETITIONS

In re Application of :
Lillian B. GRUBER :
Application No. 29/375,409 :
Filed: September 22, 2010 :
Attorney Docket No. **GRUBER-11** :

: 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 February 18, 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 11, 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 18, 2011.

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/13/12

TO SPE OF : ART UNIT 2917

SUBJECT : Request for Certificate of Correction for Appl. No.: 29375455 Patent No.: D643227

CofC mailroom date: 01/16/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

~~You can fax the Directors/SPE response to 571-273-3421~~

Note: Should the changes be made?

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Approved

All changes apply.

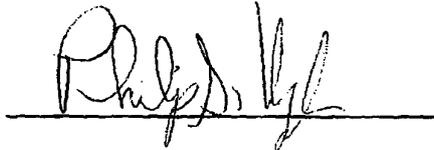
Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____



2917

SPE

Art Unit



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United States Patent and Trademark Office
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JUL 06 2011

OFFICE OF PETITIONS

**KED & ASSOCIATES, LLP
P.O. BOX 8638
RESTON VA 20195**

In re Application of :
Kyung-II Kong et al :
Application No. 29/375,581 : **DECISION ON PETITION**
Filed: September 24, 2010 : **UNDER 37 CFR 1.313(c)**
Attorney Docket No. GIP-0003DS :

This is a decision on the petition under 37 CFR 1.313(c), filed July 5, 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.

Application No. 29/375,581

-3-

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

KED & ASSOCIATES, LLP
P.O. BOX 8638
RESTON VA 20195

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of :
Kyung-Il Kong et al : DECISION GRANTING PETITION
Application No. 29/375,581 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: September 24, 2010 :
Attorney Docket No. GIP-0003DS :

This is a decision on the renewed petition under 37 CFR 1.313(c)(3), filed July 13, 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 June 28, 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 July 13, 2011.

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

This matter is being referred to Technology Center AU 2911 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

KED & ASSOCIATES,LLP
P.O. BOX 8638
RESTON VA 20195

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
Kyung-Il Kong et al :
Application No. 29/375,581 : **DECISION ON REQUEST FOR REFUND**
Filed: September 24, 2010 :
Attorney Docket No. GIP-0003DS :

This is a decision on the Request For Refund filed July 13, 2011.

The request is **GRANTED**.

Applicant files the above request for refund and states that "Applicant hereby requests a refund related to the above-referenced application, for Request for Continued Examination (RCE) filed July 5, 2011. The RCE was not needed in this application, and thus, we request a refund for the amount of \$810.00, which was paid on July 5, 2011."

As authorized, the \$ 810.00 fee for the RCE filed July 5, 2011 has been credited to petitioner's deposit account as authorized.

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

/KOC/
Karen Creasy
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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GULF COAST INTELLECTUAL PROPERTY GROUP, LLC
5450 BRUCE B. DOWNS
SUITE 355
WESLEY CHAPEL FL 33543

MAILED

OCT 12 2010

In re Application of : **OFFICE OF PETITIONS**
Kensell Krahn :
Application No. 29/375,719 : **DECISION ON PETITION**
Filed: September 27, 2010 : **TO MAKE SPECIAL UNDER**
Attorney Docket No. KK-01 : **37 CFR 1.102(c)(1)**
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 27, 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 the attorney of record declaring that he/she is in possession of such evidence, and will retain such in application file record, that shows the applicant is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

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

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Patent No. D634158 :
Issue Date: March 15, 2011 :
Application No. 29/375,753 :
Filed: September 27, 2010 :
Attorney Docket No. 86354DDV2(308092)

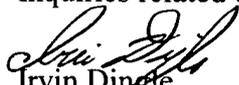
NOTICE

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**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

SINORICA, LLC
19785 Crystal Rock Drive
Suite 207
Germantown MD 20874

MAILED
SEP 21 2011
OFFICE OF PETITIONS

In re Application of :
Paul Anthony LEE : ON PETITION
Application No. 29/375,764 :
Filed: September 27, 2010 :
Atty. Docket No.: TP-LEEP-WRA3 :

This is in response to the petition under 37 CFR 1.137(b), filed May 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 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 December 29, 2010, which set a statutory period for reply of three (3) month. The application became abandoned March 30, 2011. A Notice of Abandonment was mailed April 15, 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), the instant petition lacks a terminal disclaimer and fee.

Furthermore, petitioner must submit an amendment directing entry of the replacement drawing.

Application No. 29/375,764

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 Anthony Knight
Director
Office of Petitions

Enclosures

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

SINORICA, LLC
19785 Crystal Rock Drive
Suite 207
Germantown MD 20874

MAILED
OCT 20 2011
OFFICE OF PETITIONS

In re Application of :
Paul Anthony LEE : ON PETITION
Application No. 29/375,764 :
Filed: September 27, 2010 :
Atty. Docket No.: TP-LEEP-WRA3 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 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 Allowability and Fee(s) Due mailed December 29, 2010 (Notice), which set a statutory period for reply of three (3) month. The application became abandoned March 30, 2011. A Notice of Abandonment was mailed April 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 and corrected drawings in accordance with the Notice mailed December 29, 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.

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.

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

**PETER JAMES TORMEY
2017 ESPERANZA DRIVE
CONCORD CA 94519**

**MAILED
SEP 01 2011
OFFICE OF PETITIONS**

In re Application of :
Scott S. YU : ON PETITION
Application No. 29/375,791 :
Filed: September 27, 2010 :
Atty. Docket No.: WINGRAILED :

This is a decision on the petition under 37 CFR 1.137(b), filed July 18, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for consideration 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 Allowance and Fee(s) Due mailed March 16, 2011, which set a statutory period for reply of three (3) months. The application became abandoned June 17, 2011. A Notice of Abandonment was mailed July 1, 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 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 instant petition lacks item (4).

Regarding item (4), the terminal disclaimer submitted with the instant petition was signed by an attorney not 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**.

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


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

MAILED

SEP 29 2011

OFFICE OF PETITIONS

**PETER JAMES TORMEY
2017 ESPERANZA DRIVE
CONCORD CA 94519**

In re Application of :
Scott S. YU : ON PETITION
Application No. 29/375,791 :
Filed: September 27, 2010 :
Atty. Docket No.: WINGRAILED :

This is a decision on the renewed petition under 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 reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed March 16, 2011, which set a statutory period for reply of three (3) months. The application became abandoned June 17, 2011. A Notice of Abandonment was mailed July 1, 2011.

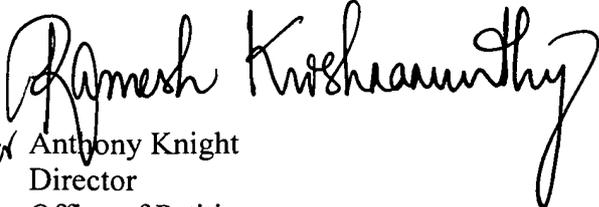
The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue fee in accordance with the Notice mailed March 16, 2011, (2) a petition fee of \$810, (3) a statement of unintentional delay, and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required 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 inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

Application No. 29/375,791

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

for 
Anthony Knight
Director
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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Siemens Corporation
U0105
Intellectual Property Department
170 Wood Avenue South
Iselin NJ 08830

MAILED

OCT 06 2011

In re Application of	:	OFFICE OF PETITIONS
Colin McKean et al.	:	
Application No. 29/375,846	:	DECISION ON PETITION
Filed: September 28, 2010	:	
Attorney Docket No. 2010M16620US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 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 27, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on August 28, 2011. A Notice of Abandonment was mailed on September 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 corrected drawings, (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 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.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

cc: Caroline J. Roush
Lando & Anastasi
Riverfront Office Park
One Main Street
Cambridge, MA 02142

UNITED STATES PATENT AND TRADEMARK OFFICE



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

**RENNER KENNER GREIVE BOBAK TAYLOR & WEBER
FIRST NATIONAL TOWER, SUITE 400
106 SOUTH MAIN STREET
AKRON OH 44308-1412**

**MAILED
DEC 19 2011
OFFICE OF PETITIONS**

In re Application of :
Nelson et al. :
Application No. 29/375,888 : **DECISION ON PETITION**
Filed: September 29, 2010 :
Attorney Docket No. ZIC.P.57DIV1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 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 submit Corrected Drawings on or before April 21, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed January 21, 2011. Accordingly, the date of abandonment of this application is April 22, 2011. A Notice of Abandonment was mailed May 6, 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 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 Premium Balloon Accessories, 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 November 21, 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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**RENNER KENNER GREIVE BOBAK TAYLOR & WEBER
FIRST NATIONAL TOWER, SUITE 400
106 SOUTH MAIN STREET
AKRON OH 44308-1412**

**MAILED
FEB 27 2012
OFFICE OF PETITIONS**

In re Application of :
Nelson et al. :
Application No. 29/375,888 : **DECISION ON PETITION**
Filed: September 29, 2010 :
Attorney Docket No. ZIC.P.57DIV1 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 20, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before April 21, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed January 21, 2011. Accordingly, the date of abandonment of this application is April 22, 2011. A Notice of Abandonment was mailed May 6, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings (previously submitted November 21, 2011), (2) the petition fee of \$930.00 (previously paid November 21, 2011); (3) a proper statement of unintentional delay; and (4) a proper Terminal Disclaimer and required \$80.00 fee (fee previously paid November 21, 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 Publishing Division for processing into a patent and review of the Corrected Drawings submitted November 21, 2011.

/Joan Olszewski/
Joan Olszewski
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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FIRST NATIONAL TOWER, SUITE 400
106 SOUTH MAIN STREET
AKRON, OH 44308-1412

MAILED

NOV 30 2011

OFFICE OF PETITIONS

In re Application of :
David C. Nelson, et. al. :
Application No. 29/375,891 : **ON PETITION**
Filed: September 29, 2010 :
Attorney Docket No. ZIC.P.57DIV3 :

This is a decision on the petition under 37 CFR 1.137(b), filed on November 21, 2011, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notice of Allowability mailed on January 21, 2011. A Notice of Abandonment was mailed May 6, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (4) above.

The Office acknowledges receipt of \$930 for treatment of the present petition, a terminal disclaimer with the \$80 fee, and one sheet of replacement drawings containing Figures 1-6 submitted on November 21, 2011. However, since the terminal disclaimer lists Premium Balloon Accessories, Inc. as the owner of one hundred percent interest in the above-identified application and the Office has no recorded assignment in the name of Premium Balloon Accessories, Inc. for this application, the terminal disclaimer filed on November 21, 2011, cannot be accepted at this time.

If Premium Balloon Accessories, Inc. is the owner (assignee) of the above application, documentary evidence of the chain of title from the original owners to the current assignee must be submitted¹.

Petitioner is reminded that any renewed petition may contain a copy of the original assignment records. However, a statement 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 is required (See 37 CFR 3.73(b)(1)(i)).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b), and be accompanied by the replacement Terminal Disclaimer under 37 CFR 1.137(d)." This is not a final agency action within the meaning of 5 U.S.C. § 704. No further fees are required.

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.

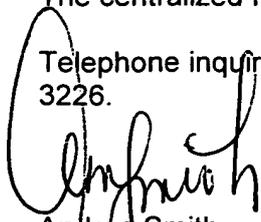
Further correspondence with respect to this matter should be addressed as follows:

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

¹A separate copy (i.e. a true copy of the original assignment document(s) must be submitted to the Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the United States Patent and Trademark Office (See MPEP 302.08).



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FEB 22 2012

OFFICE OF PETITIONS

In re Application of :
David C. Nelson, et. al. :
Application No. 29/375,891 :
Filed: September 29, 2010 :
Attorney Docket No. ZIC.P.57DIV3 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on January 26, 2012, to revive the above-identified application.

The renewed petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of one sheet of replacement drawings containing Figures 1-6; (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 **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed January 26, 2012, 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/
Andrea Smith
Petitions Examiner
Office of Petitions



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AUG 19 2011

OFFICE OF PETITIONS

**WHYTE HIRSCHBOECK DUDEK S C
INTELLECTUAL PROPERTY DEPARTMENT
555 EAST WELLS STREET, SUITE 1900
MILWAUKEE WI 53202**

In re Application of :
Li-Li YEN : ON PETITION
Application No. 29/375,956 :
Filed: September 30, 2010 :
Atty. Docket No.: SAI-36733 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 29, 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 respond in a timely manner to the Notice of Allowance and Fee(s) Due mailed December 21, 2010, which set a shortened period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned February 22, 2011. A Notice of Abandonment was mailed April 7, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, (unless previously filed), which may be met by the filing of a continuing application in a non-provisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding issue fee or any portion 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; 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).

Regarding items (3) and (4), it is noted that the instant petition and the attached Terminal Disclaimer were signed by 'Yin-Lai Chien'. However, it is unclear whether this person is associated with the assignee of the invention. If so, a proper statement under 37 CFR 3.73(b) must be filed that properly establishes Yin-lai Chien's authority to act on behalf of the assignee. The statement under 37 CFR 3.73(b) filed September 30, 2010 does not empower Yin-lai Chien to sign on behalf of the assignee.

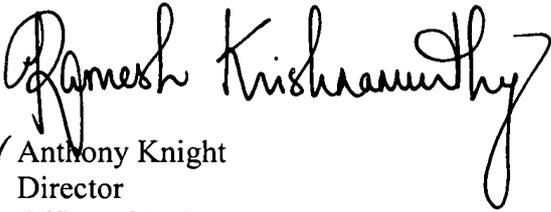
Further correspondence with respect to this matter should be addressed as follows:

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 (571-272-8427).


for Anthony Knight
Director
Office of Petitions



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NOV 07 2011

OFFICE OF PETITIONS

**WHYTE HIRSCHBOECK DUDEK S C
INTELLECTUAL PROPERTY DEPARTMENT
555 EAST WELLS STREET, SUITE 1900
MILWAUKEE WI 53202**

In re Application of :
Li-Li YEN : ON PETITION
Application No. 29/375,956 :
Filed: September 30, 2010 :
Atty. Docket No.: SAI-36733 :

This is a decision on the renewed petition under 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 respond in a timely manner to the Notice of Allowance and Fee(s) Due mailed December 21, 2010 (Notice), which set a statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned March 22, 2011. A Notice of Abandonment was mailed April 7, 2011.

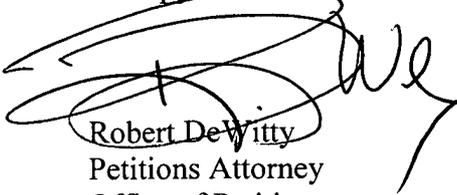
The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue fee in accordance with the Notice mailed December 21, 2010, (2) a petition fee of \$810, (3) a statement of unintentional delay, and (4) terminal disclaimer (and 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.

It is noted that petitioner has paid the issue fee, the petition fee, and the terminal disclaimer fee twice. Therefore, \$1310 will be refunded to petitioner via treasury check.

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.

A handwritten signature in black ink, appearing to read 'Robert DeWitty', is written over the printed name and extends to the right.

Robert DeWitty
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/16/12TO SPE OF : ART UNIT 2911SUBJECT : Request for Certificate of Correction for Appl. No.: 29376051 Patent No.: D636392CofC mailroom date: 01/27/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Directors/SPE response to 571-272-3421

Note: Should the changes in fig. 3 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

Approved

All changes apply.

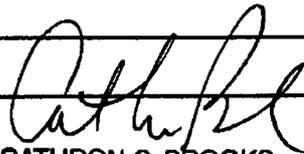
Approved in Part

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



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BROWDY AND NEIMARK, PLLC
1625 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED

SEP 12 2011

OFFICE OF PETITIONS

In re Patent No. D640997 :
Issue Date: 5 July, 2011 :
Application No. 29/376,072 :
Filed: 1 October, 2010 :
Attorney Docket No. IMAI=27 :

ON PETITION

This is a decision on the petition filed on 1 August, 2011, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (*see*: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

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

Patent No. D640997
Application No. 29/376,072

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

The instant application is released to the IFW Files Repository in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of 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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BROWDY AND NEIMARK, PLLC
1625 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

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SEP 12 2011

OFFICE OF PETITIONS

In re Patent No. D640997 :
Issue Date: 5 July, 2011 :
Application No. 29/376,072 :
Filed: 1 October, 2010 :
Attorney Docket No. IMAI=27 :

ON PETITION

This is a decision on the petition filed on 1 August, 2011, pursuant to 37 C.F.R. §1.183 and §3.81(b) to correct, *inter alia*, the name of the assignee on the front page of the above-identified patent by way of a certificate of correction under 37 C.F.R. §1.323.

NOTE:

A requirement under the regulation is that Petitioner set forward in the petition the date and location of the recordation of the assignment in question prior to issue.

This Petitioner does not appear to have done.

The Office has reviewed records that suggests the recordation of the assignment on 4 January, 2011, and the location of recordation as Reel/Frame 025579/0449.

If this information is not correct, Petitioner must notify the Office immediately.

The request is **GRANTED**— upon the instant showing of the recordation of the assignment on 4 January, 2011, and the location of recordation as Reel/Frame 025579/0449.

Petitioner requests issuance of a certificate of correction the identification of the Assignees to “**CITIZEN ELECTRONICS CO. LTD, (Fujiyoshida (JP)) and “CITIZEN HOLDINGS CO LTC, (Tokyo (JP))” of the substance/form of that submitted therewith.**

Patent No. D640997
Application No. 29/376,072

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 C.F.R. §3.81(b) and directing issuance of the requested Certificate of Correction.

Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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. §1.2¹) regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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5335 WISCONSON AVENUE, NW
SUITE 440
WASHINGTON DC 20015

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NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Onn Fah Foo :
Application No. 29/376,109 :
Filed: October 1, 2010 :
Attorney Docket No. WNPG.2501.D020 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 September 29, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 29, 2011. Accordingly, the date of abandonment of this application is September 30, 2011. A Notice of Abandonment was mailed on October 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 \$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



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SUITE 440
WASHINGTON DC 20015

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Onn Fah Foo :
Application No. 29/376,113 : **DECISION ON PETITION**
Filed: October 1, 2010 :
Attorney Docket No. WNPG.2501.D021 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 17, 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 19, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 17, 2011. Accordingly, the date of abandonment of this application is September 20, 2011. A Notice of Abandonment was mailed on 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 of \$495, ((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 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



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ULMER & BERNE, LLP
ATTN: DIANE BELL
600 VINE STREET
SUITE 2800
CINCINNATI OH 45202

MAILED
APR 07 2011
OFFICE OF PETITIONS

In re Application of :
Daisuke Nagao, et al. : DECISION GRANTING PETITION
Application No. 29/376,115 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: October 1, 2010 :
Attorney Docket No. 37735-435 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed April 6, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on March 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 April 6, 2011.

Telephone inquiries regarding 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 matter is being referred to Technology Center AU 2917 for processing of the CPA and consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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KEVIN J. MCNEELY, ESQ.
5335 WISCONSON AVENUE, NW
SUITE 440
WASHINGTON DC 20015

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NOV 02 2011

OFFICE OF PETITIONS

In re Application of :
Onn Fah Foo :
Application No. 29/376,116 : DECISION ON PETITION
Filed: October 1, 2010 :
Attorney Docket No. **WNPG.2501.D022** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 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 19, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 17, 2011. Accordingly, the date of abandonment of this application is September 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 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/
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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In re Application of
Christopher Kelly

:
:

Application No. 29376170

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

Filed:

:

Attorney Docket No. CK100914

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 01-OCT-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.

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	29376170	Confirmation Number	1611	Filing Date	2010-10-01
Attorney Docket Number (optional)	CK100914	Art Unit		Examiner	
First Named Inventor	Christopher Kelly				
Title of Invention	LED Lanyard				

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)	2010-10-01
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE MA 02142

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of :
Maureen O'Leary :
Application No. 29/376,240 : DECISION ON PETITION
Filed: October 4, 2010 : UNDER 37 CFR 1.313(c)
Attorney Docket No. O2010-700070 :

This is a decision on the petition under 37 CFR 1.313(c), filed October 18, 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 or 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).

Application No. 29/376,240

-3-

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



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LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE MA 02142

MAILED
OCT 20 2011
OFFICE OF PETITIONS

In re Application of :
Maureen O'Leary : DECISION GRANTING PETITION
Application No. 29/376,240 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: October 4, 2010 :
Attorney Docket No. O2010-700070 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed October 19, 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 September 16, 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 October 19, 2011.

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

This matter is being referred to Technology Center AU 2913 for processing of the CPA and consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions



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LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE MA 02142

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Application of :
Maureen O’Leary :
Application No. 29/376,240 : **DECISION ON REQUEST FOR REFUND**
Filed: October 4, 2010 :
Attorney Docket No. O2010-700070 :

This is a decision on the Request For Refund filed October 19, 2011.

The request is **GRANTED**.

The request for refund states that “Applicant hereby requests a refund in the amount of \$645 paid in connection with a petition for withdrawal of the above-identified patent application from issue under 37 C.F.R. §1.313(c)(2) filed with a Request for Continued Examination on October 18, 2011. The petition was mistakenly filed with a Request for Continued Examination and should have been filed with a Continued Prosecution Application”

In view of the above, the \$465.00 Request for Continued Examination fee submitted on October 18, 2011, is being credited to petitioner’s deposit account as authorized.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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Paper No.

Montgomery Patent and Design, LLC
375 Southpointe Blvd., Suite 100-110
Canonsburg PA 15317

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of :
Huschka :
Application No. 29/376,292 : DECISION ON PETITION
Filed: October 5, 2010 : PURSUANT TO
Attorney Docket No. JTY- : 37 C.F.R. § 1.181(A)
093010SAI-3 :
Title: CIRCULAR EYEGLOSS LENS :
WITH CURVLINEAR APERTURE :

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on December 13, 2011.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Ex Parte Quayle Office action, mailed March 29, 2011, which set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 30, 2011. A notice of abandonment was mailed on November 1, 2011.

ANALYSIS

With this petition, Petitioner has alleged that a response to the Ex Parte Quayle Office action was filed on May 5, 2011. Petitioner has included a copy of an Electronic Acknowledgment

Receipt that evinces that a "HuschkaToddCircularlenswithcurvilinearaperatureOfficeActionResponse.pdf" which consisted of seven pages was received on May 5, 2011.

Furthermore, the electronic file has been reviewed, and it is clear that on May 5, 2011, a single-page cover page, a single-page amendment to the drawings, a two-page amendment to the specification, a single-page amendment to the claims, and a single-page of remarks were received.

The Examiner has reviewed this amendment and has indicated that "[t]he amendment of 5/5/11 does place the application in condition for allowance." A copy of an e-mail which contains this determination has been included with this decision.

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 a response was timely submitted.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

CONCLUSION

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 submission of May 5, 2011 can be processed in due course.

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) 272-3225.¹ All other inquiries

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 any of Petitioner's further action(s).

Decision on Petition pursuant to 37 C.F.R. § 1.181(a)

concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Paul Shanowski
Senior Attorney
Office of Petitions

Encl. Copy of E-mail communication



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**STOEL RIVES LLP – SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111**

MAILED

MAR 30 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Michael R. Furseth et al :
Application No. 29/376,331 :
Filed: October 5, 2010 :
Attorney Docket No. 9932/21 :

This is a decision on the petition under 37 CFR 1.313(a), filed March 25, 2011, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for the purpose of considering an Information Disclosure Statement filed with the above petition.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been paid.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary.

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.

Petitioner should note that the filing of a CPA **prior to payment of the issue fee** expressly abandons the prior application as of the filing date of the request for CPA if filed. *See* 37 CFR 1.53(d)(2)(v).

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/ebs/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

Application No. 29/376,331

-2-

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111

MAILED

APR 15 2011

OFFICE OF PETITIONS

In re Application of :
Michael R. Furseth et al :
Application No. 29/376,331 : ON PETITION
Filed: October 5, 2010 :
Attorney Docket No. 9932/21 :

This is a decision on the renewed petition under 37 CFR 1.313(a), filed April 14, 2011, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

The decision mailed March 30, 2011, stated the below:

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been paid.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary.

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.

Petitioner should note that the filing of a CPA **prior to payment of the issue fee** expressly abandons the prior application as of the filing date of the request for CPA if filed. *See* 37 CFR 1.53(d)(2)(v).

The filing of a Request for Continued Examination (RCE) is not permitted in a design application. Therefore, the RCE submitted with the petition on April 14, 2011 is not proper. **Petitioner may file a CPA as indicated above.**

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



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

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of	:
Adolfo Guzzini	:
Application No. 29/376,399	: DECISION ON PETITION
Filed: October 6, 2010	:
Attorney Docket No. 211,112	:

This is a decision on the petition under 37 CFR 1.137(b), filed July 14, 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 June 7, 2011, as required by the Notice of Allowance and Fee(s) Due mailed March 7, 2011, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on June 8, 2011. A Notice of Abandonment was mailed June 23, 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-Web¹

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)



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666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017**

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Adolfo Guzzini	:	
Application No. 29/376,399	:	DECISION ON PETITION
Filed: October 6, 2010	:	
Attorney Docket No. 211,112	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 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.

Further, petitioner has submitted a terminal disclaimer naming an improper assignee. Petitioner has submitted a terminal disclaimer with the owner of 100% interest as Adolfo Iguzzini. According to USPTO records Adolfo Iguzzini is not the current assignee in the

above-identified application.

In view of the above, the terminal disclaimer submitted August 18, 2011 by Jay S. Cinamon 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: 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



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United States Patent and Trademark Office
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666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

MAILED
OCT 06 2011
OFFICE OF PETITIONS

In re Application of :
Adolfo Guzzini :
Application No. 29/376,399 : **DECISION ON PETITION**
Filed: October 6, 2010 :
Attorney Docket No. 211,112 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 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 June 7, 2011, as required by the Notice of Allowance and Fee(s) Due mailed March 7, 2011. Accordingly, the date of abandonment of this application is June 8, 2011. A Notice of Abandonment was mailed June 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 payment of the issue fee of \$860.00 (previously submitted July 14, 2011), (2) the petition fee of \$1,620.00 (previously submitted July 14, 2011); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of \$140.00 (previously paid August 18, 2011).

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

Additionally, petitioner has submitted an unnecessary duplicate \$140.00 terminal disclaimer fee. This fee will be refunded to petitioner's deposit account 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/
Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : July 20, 2011

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/376412 Patent No.: D635379

CofC mailroom date: 5-23-11

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: _____

Caron D. Veynar
CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

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

BRADLEY ARANT BOULT CUMMINGS LLP
200 CLINTON AVE. WEST
SUITE 900
HUNTSVILLE, AL 35801

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of :
Nicolette B. Bennett :
Application No. 29/376,637 : **ON PETITION**
Filed: October 8, 2010 :
Attorney Docket No.: 202903-301004 :

This is a decision in response to the petition, filed December 20, 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 December 8, 2011, as required by the Notice of Allowance and Fee(s) Due mailed September 8, 2011. On December 20, 2011, the present petition was filed. A Notice of Abandonment was subsequently mailed on December 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 the issue fee of \$495, (2) the petition fee of \$930, (3) an adequate statement of unintentional delay¹, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed December 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.

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

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, T03 (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 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

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	29376662	Confirmation Number	9995	Filing Date	2010-10-08
Attorney Docket Number (optional)	GP100608	Art Unit		Examiner	
First Named Inventor	Bruno Paoletto				
Title of Invention	TROLLEY				

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
Bruno		Paoletto	

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)	2010-10-29
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Bruno Paoletto

:
:

Application No. 29376662

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

Filed: October 8, 2010

:

Attorney Docket No. GP100608

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 29-OCT-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.



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AVERY DENNISON CORPORATION
PATENT GROUP
LAW DEPARTMENT - 3 SOUTH
P.O. BOX 7090
PASADENA CA 91109-7090

MAILED

OCT 04 2011

In re Application of : **OFFICE OF PETITIONS**
Menchine, et al. :
Application No. 29/376,742 : **DECISION**
Filed/Deposited: 11 October 2010 :
Attorney Docket No. 5324-US :

This is a decision on the petition filed on 26 August, 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 Allegation of
Unavoidable 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 showing/statement 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) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(b).

BACKGROUND

As discussed above, a review of the record reveals that:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due (drawings requirement) mailed on 2 May, 2011, with reply due absent extension of time on or before 2 August, 2011.

Application No. 29/376,742

The application went abandoned by operation of law after midnight 2 August, 2011.

The Office mailed the Notice of Abandonment on 17 August, 2011.

On 26 August, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of drawings and pointed to the previously submitted fees due, made the statement of unintentional delay and submitted a terminal disclaimer and fee.

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).

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}

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.))

Application No. 29/376,742

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

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**.

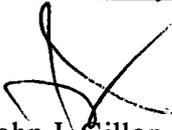
The instant application is released to the Publications Branch to be processed into a patent in due course.

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.

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).

Application No. 29/376,742

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. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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LEIGHTON K. CHONG
PATENT ATTORNEY
133 KAAI STREET
HONOLULU, HI 96821

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of :
R. Chester Nierenberg :
Application No. 29/376,744 : **ON PETITION**
Filed: October 11, 2010 :
Attorney Docket No.: GRIP-DS :

This is a decision on the petition, filed December 29, 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 September 8, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 9, 2011. A Notice of Abandonment was mailed on December 22, 2011. On December 29, 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).

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-Web²

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/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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LEIGHTON K. CHONG
PATENT ATTORNEY
133 KAAI STREET
HONOLULU, HI 96821

MAILED
MAR 14 2012
OFFICE OF PETITIONS

In re Application of
R. Chester Nierenberg
Application No: 29/376,744
Filed: October 11, 2010
Attorney Docket No.: GRIP-DS

:
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:
:
:
:

ON PETITION

This is a decision on the renewed petition, filed February 22, 2012, 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 September 8, 2011. A Notice of Abandonment was mailed on December 22, 2011. On December 29, 2011, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed February 9, 2012. In response, on February 22, 2012, 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 \$930; (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 February 22, 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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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

MAILED
DEC 14 2010
OFFICE OF PETITIONS

In re Application of :
Frank BEEKHUIS, et al. :
Application No. 29/376,747 : NOTICE UNDER 37 CFR 1.28(C)
Filed: October 12, 2010 :
Attorney Docket No. **LBP-PT130 (23749)** :

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 inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of :
Marc Zemel : **DECISION ON PETITION**
Application No. 29/376,764 : **TO WITHDRAW**
Filed: October 12, 2010 : **FROM RECORD**
Attorney Docket No. 10-6116 :

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.

Alicia Kelley
Petitions Examiner
Office of Petitions



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NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of :
Marc Zemel :
Application No. 29/376,764 :
Filed: October 12, 2010 :
Attorney Docket No. 10-6116 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

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
29/376,764	10/12/2010	MARC ZEMEL	10-6116

28143
NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK, NY 10017

CONFIRMATION NO. 2063
POWER OF ATTORNEY NOTICE



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



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United States Patent and Trademark Office
P.O. Box 1450
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WESTMAN CHAMPLIN & KELLY PA
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re :
Patent No. D643,401 : DECISION ON PETITION
Issued: August 16, 2011 :
Application No. 29/376,940 :
Filed: October 14, 2010 :

This is a decision on the petition under 37 CFR 1.182, filed December 20, 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
Alexandria, VA 22313-1450
www.uspto.gov

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

MAILED

JUN 29 2011

OFFICE OF PETITIONS

In re Application of :
Fine et al. :
Application No. 29/376,943 : **DECISION ON PETITION**
Filed: October 14, 2010 :
Attorney Docket No. 2691-100A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 31, 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 9, 2011, as required by the Notice of Allowance and Fee(s) Due mailed February 9, 2011. Accordingly, the date of abandonment of this application is May 10, 2011. A Notice of Abandonment was mailed May 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 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.

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
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MAILED

NOV 08 2011

OFFICE OF PETITIONS

HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

In re Application of :
Bernard F. Garceau et al. :
Application No. 29/376,982 :
Filed: October 15, 2010 :
Attorney Docket No. 116523.00213 :

DECISION ON PETITION

This is a decision on the renewed 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 26, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 24, 2011. Accordingly, the date of abandonment of this application is September 27, 2011. A Notice of Abandonment was mailed on October 13, 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 07590 have been acting in a representative manner and that a power of attorney appointing a firm or attorney/agent was never filed for this application, therefore the petition cannot 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

MAILED

NOV 17 2011

OFFICE OF PETITIONS

In re Application of :
Bernard F. Garceau et al. :
Application No. 29/376,982 :
Filed: October 15, 2010 :
Attorney Docket No. 116523.00213 :

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 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 September 26, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 24, 2011. Accordingly, the date of abandonment of this application is September 27, 2011. A Notice of Abandonment was mailed on October 13, 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) 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.

The petition fee of \$930 was previously paid October 14, 2011. No additional fee is due. As such the fee of \$930 received on November 15, 2011 will be refunded 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 Data Management for further processing into a patent.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/376,982	10/15/2010	Bernard F. Garceau	116523.00213

21324
HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON, OH 44311-1076

CONFIRMATION NO. 7461
POA ACCEPTANCE LETTER



Date Mailed: 11/16/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/15/2011.

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.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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

MAILED
AUG 04 2011
OFFICE OF PETITIONS

In re Application of :
Richard Fine et al :
Application No. 29/376,994 : DECISION ON PETITION
Filed:October 15, 2010 :
Attorney Docket No.2691-100B :

This is a decision on the petition under 37 CFR 1.137(b), filed May 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 May 9, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 9, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 10, 2011. A Notice of Abandonment was mailed on May 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 the \$430.00 issue fee, (2) the petition fee of \$810.00, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of 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 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

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	29377011	Confirmation Number	8123	Filing Date	2010-10-15
Attorney Docket Number (optional)	8856810	Art Unit		Examiner	
First Named Inventor	Barbara J. Monopoli				
Title of Invention	SOFT CERVICAL COLLAR				

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
Barbara	J.	Monopoli	

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)	2010-10-18
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Barbara J. Monopoli

Application No. 29377011

Filed:

Attorney Docket No. 8856810

:

:

: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 18-OCT-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.



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P.O. Box 1450
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MICHAEL P. MAZZA, LLC
686 CRESCENT BLVD.
GLEN ELYN IL 60137.

MAILED

FEB 02 2012

OFFICE OF PETITIONS

In re Application of :
Wang : DECISION ON PETITION
Application No. 29/377,140 :
Filed: October 18, 2010 :
Atty. Dkt. No.: 10113DES :

This is a decision on the petition under 37 CFR 1.137(b), filed January 18, 2012.

The petition is **GRANTED**.

The application became abandoned December 20, 2011 for failure to timely submit a proper reply in response to the Notice of Allowability ("Notice") mailed September 19, 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 January 9, 2012.

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

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
29/377,239 10/19/2010 Kyle William Harris D-1603D 1964

7590 04/19/2011
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

04/19/2011

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

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

April 18, 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: **29/377239**
Filed: **10/19/2010**
Attorney Docket No: **D-1603D**

: **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) October 19, 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
www.uspto.gov

HISCOCK & BARCLAY, LLP
ONE PARK PLACE, 300 S. STATE ST.
SYRACUSE NY 13202

MAILED
AUG 25 2011
OFFICE OF PETITIONS

In re Patent No. D643929 :
Issue Date: August 23, 2011 :
Application No. 29/377,303 : ON PETITION
Filed: October 20, 2010 :
Attorney Docket No. 3048566 US01 :

This is a decision on the petition filed August 11, 2011, will be treated as a request 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 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(h) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a certificate of correction. The required fee of \$100 has been received. Petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

The fee required is \$130. A refund in the amount of \$270 will be refunded to petitioner's deposit account.

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 related to 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**HISCOCK & BARCLAY, LLP
ONE PARK PLACE, 300 S. STATE ST.
SYRACUSE NY 13202**

**MAILED
SEP 27 2011
OFFICE OF PETITIONS**

In re Patent No. D643929 :
Issue Date: August 23, 2011 :
Application No. 29/377,303 : ON PETITION
Filed: October 20, 2010 :
Attorney Docket No. 3048566 US01 :

This is a decision on the renewed request filed September 6, 2011, 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 patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CURTIS, MALLET-PREVOST, COLT & MOSLE, LLP
101 PARK AVENUE
34TH FLOOR
NEW YORK NY 10178-0061

MAILED
NOV 10 2011

OFFICE OF PETITIONS

In re Application of :
Sylvain Joly :
Application No. 29/377,305 : **DECISION ON PETITION**
Filed: October 20, 2010 :
Attorney Docket No. 216285-000212US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 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 August 10, 2011, as required by the Notice of Allowance and Fee(s) Due mailed May 10, 2011. Accordingly, the date of abandonment of this application is August 11, 2011. A Notice of Abandonment was mailed August 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 payment of the issue fee of \$860.00, (2) the petition fee of \$1,620.00; (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of \$140.00.

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

**THOMPSON HINE L.L.P.
INTELLECTUAL PROPERTY GROUP
P.O. BOX 8801
DAYTON OH 45401-8801**

MAILED

SEP 12 2011

OFFICE OF PETITIONS

In re Application of :
RICCOBENE :
Application No. 29/377,311 : DECISION GRANTING PETITION
Filed: October 20, 2010 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 027262-00346 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 8, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 5, 2011 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.¹

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

This application is being referred to Technology Center AU 2914 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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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

MAR 02 2012

OFFICE OF PETITIONS

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of :
Thomas S. Riccobene :
Application No.: 29/377311 : **ON PETITION**
Filing or 371(c) Date: 10/20/2010 :
Attorney Docket Number: 5125.094804 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 C.F.R. § 1.137(a), filed January 30, 2012. The petition is properly treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Notice of Allowance and Issue Fee Due, mailed September 29, 2011. The Office action set a non-extendable three (3) month period for reply. No complete and proper reply having been received, the application became abandoned on December 30, 2011.

Petitioner files the present petition and provides that a Revocation of Power of Attorney with a new Power of Attorney and Change of Correspondence Address was filed on September 29, 2011 (the date of mailing of the Notice of Allowance and Issue Fee Due). Petitioner avers non-receipt of the Notice of Allowance and Issue Fee Due.

Petitioner also includes the issue fee.

Office records confirm that Petitioner filed a Revocation of Power of Attorney with a new Power of Attorney and Change of Correspondence Address on September 29, 2011, which was accepted by this Office on October 6, 2011¹.

Petitioner has demonstrated non-receipt of the Notice of Allowance and Issue Fee Due by a preponderance of the evidence.

¹ A revocation of the power of attorney becomes effective on the date that the revocation is RECEIVED in the Office (not on the date of ACCEPTANCE). See, MPEP 402.05.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

A refund of the petition fee has been credited to Petitioner's deposit account.

The application will be referred to the Office of Data Management ("ODM") for processing into a patent.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120223

DATE : February 23, 2012

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D635934

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20120223

DATE : February 23, 2012

TO SPE OF : ART UNIT 2912

S.N. 29/377346

SUBJECT : Request for Certificate of Correction on Patent No.: D635934

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
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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 :
Anthony Kriz :
Application No. 29/377,376 :
Filed: October 20, 2010 :
Attorney Docket No. 17157-0018-5 :

NOTICE

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
Alexandria, VA 22313-1450
www.uspto.gov

DICKSTEIN SHAPIRO LLP
1633 BROADWAY
NEW YORK NY 10019

MAILED
JUL 28 2011
OFFICE OF PETITIONS

In re Application of :
Eddie Ping Kuen Li et al :
Application No. 29/377,581 : DECISION ON PETITION
Filed: October 22, 2010 : UNDER 37 CFR 1.313(c)
Attorney Docket No. L6398.0030 :

This is a decision on the petition under 37 CFR 1.313(c), filed July 27, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

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.

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

The filing of an RCE is not an appropriate submission in a design application.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any 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 renewed petition.

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
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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

MAILED
OCT 27 2011
OFFICE OF PETITIONS

In re Application of
Lothar Budike, Jr.
Application No. 29/377,663
Filed: October 25, 2010
Attorney Docket No. **HDI-PT001**

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to corrected drawings on or before September 27, 2011, as required by the Notice of Allowability, mailed June 27, 2011. Accordingly, this application became abandoned on September 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 corrected drawings, (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).

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

This application is being referred to the Office of Data Management for normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Patent No. : D655930
Serial No. 29/378,028
Inventor(s) : Lee
Issued : 03/20/12
For : CHAIR FOR 4D MOVIE SHOWING FACILITIES

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 1.322 and 1.323.

Granting of a petition under 37 CFR 1.183, requesting the requirements of 37 CFR 3.81 to be waived, is required to correct applicant's error in the Assignee, when the correct name of the assignee was not provided in accordance with either section 3.81(a) or (b) (either no name or an incorrect name was provided in item 3 of the Issue Fee Transmittal, when the assignment had been recorded or submitted for recordation at the time the issue fee was paid, including after issuance of the patent.

A petition to correct the Assignee, under 37 CFR 1.183 should include:

- (1) the petition fee set forth in 37 CFR 1.117(h) (currently \$130);
- (2) the correct name and address of the assignee; and
- (3) the reel and frame number where the assignment is recorded or proof of the date the assignment was submitted for recordation.

Any petition under 37 CFR 1.183 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

By Fax: (703) 308-6916
Attn.: Office of Petitions

If, the petition under 37 CFR 1.183, is filed and granted; the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently \$100), due to the mistake in not complying with CFR 3.81.

In view of the foregoing, your request is hereby denied.

RoChaun Hardwick
Decisions & Certificates
of Correction Branch
(571) 272-0470

LORRAINE LINFORD
701 FIFTH AVE. SUITE 5400
SEATTLE, WASHINGTON 98104
RMH



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JUL 21 2011
OFFICE OF PETITIONS

JERRY HAYNES LAW
2 N OAKDALE AVENUE
MEDFORD OR 97501

In re Application of :
Robert Allen DRAKE : ON PETITION
Application No. 29/378,134 :
Filed: October 29, 2010 :
Atty. Docket No.: 710.05DIV :

This is a decision on the petition under 37 CFR 1.137(b), filed June 10, 2011, to revive the above-identified application.

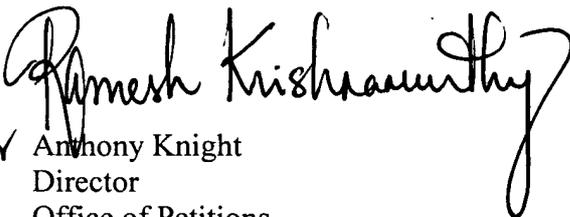
The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due (Notice) mailed February 18, 2011, which set a statutory period for reply of three (3) months. The application became abandoned on May 19, 2011. A Notice of Abandonment was mailed June 6, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of replacement drawings as required by the Notice mailed February 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.

Telephone inquiries 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.

for 
Anthony Knight
Director
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110717

DATE : July 16, 2011

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D639250

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

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.

/Ernest C. White/ *LIE*
(571) 272-3385
Mary F. Diggs – Supervisor
(703) 756-1580
Decisions & Certificates
of Correction Branch

TAFT STETTINIUS & HOLLISTER LLP
ONE INDIANA SQUARE, SUITE 3500
INDIANAPOLIS IN 46204-2023

ecw



UNITED STATES PATENT AND TRADEMARK OFFICE

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

TAFT STETTINIUS & HOLLISTER LLP
ONE INDIANA SQUARE, SUITE 3500
INDIANAPOLIS IN 46204-2023

MAILED

DEC 06 2011

OFFICE OF PETITIONS

In re Patent No. D643489
Issue Date: August 16, 2011
Application No. 29/378,282
Filed: November 2, 2010
Attorney Docket No. **12811-00400**

ON PETITION

This is a decision on the "Request for a Patent to be Corrected under 37 CFR 3.81(b)" filed October 7, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) to delete the name of the assignee on the front page of the above-identified patent.

The petition is **GRANTED**.

Petitioner requests that the assignee, "Simon Golf Co., LLC, Fort Lauderdale, FL US", appearing on the front page of the patent be deleted. Petitioner asserts that the assignee's name was inadvertently listed on the Issue Fee Transmittal.

U.S. Patent and Trademark Office assignment records do not disclose that an assignment to "Simon Golf Co., LLC, Fort Lauderdale, FL US" was recorded on or before the date of issuance of this patent, or at any other time. Accordingly, deletion of "Simon Golf Co., LLC, Fort Lauderdale, FL US" from the front page of the patent would be proper.

The processing fee of \$130.00 remitted with the instant petition will be refunded, in due course.

The file is being directed to the Certificate of Corrections Branch for issuance of the requested certificate of correction deleting "Simon Golf Co., LLC, Fort Lauderdale, FL US" as the assignee of the subject patent.

Telephone inquiries concerning this decision on petition should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571)272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

OK to enter requested correction /tj/ 01/20/12

PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : D650,337
APPLICATION NO.: 29/378,371
ISSUE DATE : December 13, 2011
INVENTOR(S) : Aldo Bonomi

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Sheet 2 of the drawings was printed with the annotated sheet showing the changes to FIG. 4, the replacement sheet is attached.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Reising Ethington P.C.
P.O. Box 4390
Troy, Michigan 48099-4390

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. 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 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, 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.

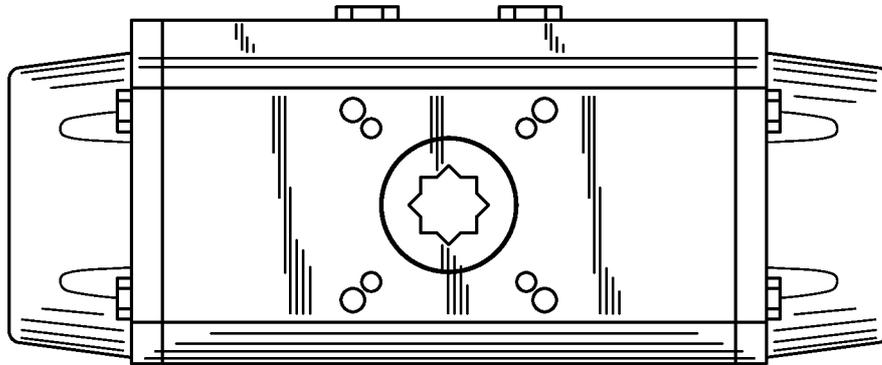


FIG. 4

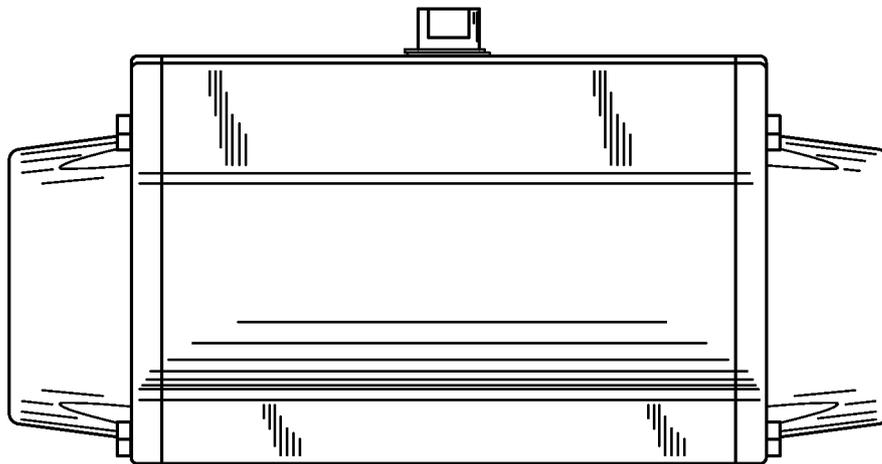


FIG. 5

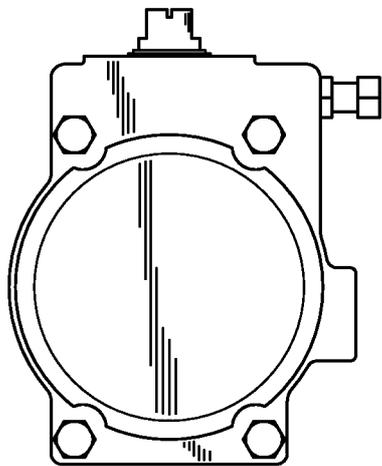


FIG. 6

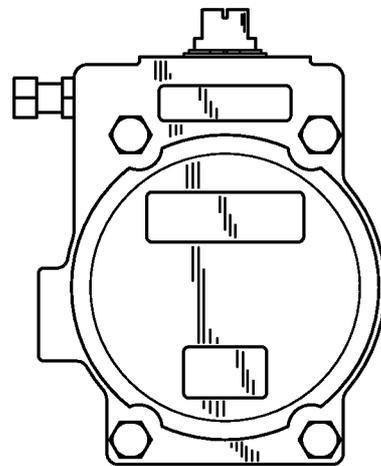


FIG. 7

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120120

DATE : January 20, 2010

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D650337

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
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NELSON MULLINS RILEY & SCARBOROUGH LLP
IP DEPARTMENT
100 NORTH TRYON STREET
42ND FLOOR
CHARLOTTE, NC 28202-4000

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Michael J. Saboe, et al. :
Application No. 29/378,379 :
Filed: November 3, 2010 :
Attorney Docket No.: 36399/09001 :

ON PETITION

This is a decision on the petition under 37 CFR 1.313(a), filed May 13, 2011, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of a supplemental Information Disclosure Statement (IDS) filed on May 13, 2011.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's credit card.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS considered other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

This matter is being referred to Technology Center AU 2913 for appropriate action on the IDS filed May 13, 2011.

/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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NELSON MULLINS RILEY & SCARBOROUGH LLP
IP DEPARTMENT
100 NORTH TRYON STREET
42ND FLOOR
CHARLOTTE, NC 28202-4000

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Michael J. Saboe, et al. :
Application No. 29/378,381 : **ON PETITION**
Filed: November 3, 2010 :
Attorney Docket No.: 36399/09003 :

This is a decision on the petition under 37 CFR 1.313(a), filed May 13, 2011, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of a supplemental Information Disclosure Statement (IDS) filed on May 13, 2011.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's credit card.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS considered other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

This matter is being referred to Technology Center AU 2914 for appropriate action on the IDS filed May 13, 2011.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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NELSON MULLINS RILEY & SCARBOROUGH LLP
IP DEPARTMENT
100 NORTH TRYON STREET
42ND FLOOR
CHARLOTTE, NC 28202-4000

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Michael J. Saboe, et al. :
Application No. 29/378,383 : **ON PETITION**
Filed: November 3, 2010 :
Attorney Docket No.: 36399/09004 :

This is a decision on the petition under 37 CFR 1.313(a), filed May 13, 2011, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of a supplemental Information Disclosure Statement (IDS) filed on May 13, 2011.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's credit card.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS considered other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

This matter is being referred to Technology Center AU 2913 for appropriate action on the IDS filed May 13, 2011.

/SDB/

Sherry D. Brinkley
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CHARLOTTE, NC 28202-4000

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Michael J. Saboe, et al. :
Application No. 29/378,385 : **ON PETITION**
Filed: November 3, 2010 :
Attorney Docket No.: 36399/09005 :

This is a decision on the petition under 37 CFR 1.313(a), filed May 13, 2011, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of a supplemental Information Disclosure Statement (IDS) filed on May 13, 2011.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's credit card.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS considered other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

This matter is being referred to Technology Center AU 2913 for appropriate action on the IDS filed May 13, 2011.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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IP DEPARTMENT
100 NORTH TRYON STREET
42ND FLOOR
CHARLOTTE, NC 28202-4000

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Michael J. Saboe, et al. :
Application No. 29/378,387 : **ON PETITION**
Filed: November 3, 2010 :
Attorney Docket No.: 36399/09006 :

This is a decision on the petition under 37 CFR 1.313(a), filed May 13, 2011, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of a supplemental Information Disclosure Statement (IDS) filed on May 13, 2011.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's credit card.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of an IDS with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have an IDS considered other than by way of petition.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the IDS considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

This matter is being referred to Technology Center AU 2913 for appropriate action on the IDS filed May 13, 2011.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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In re Application of
Donald Saari

:
:

Application No. 29378395

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

Filed:

:

Attorney Docket No. 8311114

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 03-NOV-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.

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	29378395	Confirmation Number	4847	Filing Date	
Attorney Docket Number (optional)	8311114	Art Unit		Examiner	
First Named Inventor	Donald F. Saari				
Title of Invention	SURFBOARD				

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
Donald	F.	Saari	

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)	2010-11-03
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Application of	:	
QUALLS et al.	:	DECISION ACCORDING STATUS
Application No. 29/378,578	:	UNDER 37 CFR 1.47(a)
Filed: 11/05/2010	:	
Attorney Docket No. 320513-64403	:	
Title: SPIRAL WOUND BATTERY	:	

This is in response to the petition under 37 CFR 1.47(a) filed January 21, 2011. Applicants obtained an extension of time for response within the first month. Accordingly, the petition is filed timely.

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

Applicants established that they provided a complete copy of the application to the non-signing inventor. However, the non-signing inventor refused to join in the application.

The above-identified application and papers have been reviewed and are found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified 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 last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Applicants submitted a \$130.00 fee for the filing of the present petition. The current petition fee is \$200.00. Thus, the Office will charge the difference of \$70.00 to the Deposit Account as authorized.

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

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



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Nick Kovalkevich
3843 Manor House Drive
Marietta, GA 30062-5172

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Application of :
QUALLS et al. :
Application No. 29/378,578 : LETTER
Filed: 11/05/2010 :
Attorney Docket No. 320513-64403 :
Title: SPIRAL WOUND BATTERY :

Mr. Kovalkevich:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. 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 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

C. P. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118



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(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON DC 20007-5118

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Application of :
QUALLS et al. : DECISION ACCORDING STATUS
Application No. 29/378,586 : UNDER 37 CFR 1.47(a)
Filed: 11/05/2010 :
Attorney Docket No. 320513-64404 :
Title: SPIRAL WOUND BATTERY :

This is in response to the petition under 37 CFR 1.47(a) filed January 21, 2011. Applicants obtained an extension of time for response within the first month. Accordingly, the petition is filed timely.

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

Applicants established that they provided a complete copy of the application to the non-signing inventor. However, the non-signing inventor refused to join in the application.

The above-identified application and papers have been reviewed and are found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified 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 last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Applicants submitted a \$130.00 fee for the filing of the present petition. The current petition fee is \$200.00. Thus, the Office will charge the difference of \$70.00 to the Deposit Account as authorized.

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

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



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Nick Kovalkevich
3843 Manor House Drive
Marietta, GA 30062-5172

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re Application of	:	
QUALLS et al.	:	
Application No. 29/378,586	:	LETTER
Filed: 11/05/2010	:	
Attorney Docket No. 320513-64404	:	
Title: SPIRAL WOUND BATTERY	:	

Mr. Kovalkevich:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. 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 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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SCOTTSDALE, AZ 85251

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of
Rhoda Stone
Application No. 29/378,684
Filed: November 8, 2010
Attorney Docket No.: 2168P3535DES

ON PETITION

This is a decision in response to the petition, filed January 10, 2012, to revive the above-identified design application under 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 August 24, 2011. A Notice of Abandonment was mailed on December 7, 2011. On January 10, 2012, 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 \$930; (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 January 10, 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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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

SEP 21 2011

In re Application of	:	OFFICE OF PETITIONS
Neil Castle et al	:	
Application No. 29/378,715	:	ON PETITION
Filed: November 8, 2010	:	
Attorney Docket No. 027996-000110US	:	

This is a decision on the petition, filed August 30, 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 April 29, 2011, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 30, 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 granted 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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SAN FRANCISCO CA 94111-3834

MAILED

DEC 13 2011

OFFICE OF PETITIONS

In re Application of :
Neil Castle et al :
Application No. 29/378,715 :
Filed: November 8, 2010 :
Attorney Docket No. 027996-000110US :

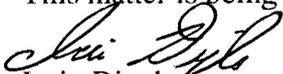
ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

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

This matter is being referred to Technology Center AU 2913 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of: :
RICHTER, Gregor :
Patent No.: D649,083 :
Issue Date: November 22, 2011 :
Application No.: 29/378,804 :
Filed: November 10, 2010 :
Attorney Docket No.: 2010_1287A :

**DECISION ON
REQUEST AND PETITION**

This letter is in response to the Petition for Issuance of a New Ribbon Copy of Patent – Original Ribbon Copy Never Received, filed February 3, 2012, and the Request for Petition to be Disregarded, filed February 8, 2012. The Request urges that the Petition is now moot in view of applicant’s subsequent receipt of the original ribbon copy of the patent on February 12, 2012. On this basis, the Request requests that the United States Patent and Trademark Office (USPTO) disregard the February 3, 2012 Petition.

The Request is GRANTED.

The Petition is DISMISSED as moot.

Pursuant to applicant’s present Request, it is appropriate for the USPTO to grant the Request and disregard the Petition. On this basis, it is also appropriate for the USPTO to dismiss the petition as moot. No further action will be taken in response to the February 3, 2012 Petition.

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

Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY MI 48084

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of :
Cotton :
Application No. 29/378,985 : DECISION ON PETITION
Deposited: November 12, 2010 : PURSUANT TO
Attorney Docket No.: AJO-246-B- : 37 C.F.R. § 1.55(c)
Design :
Title: FOOT DRESSING :

This is a decision on the petition pursuant to 37 C.F.R. § 1.55(c), filed November 12, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign European Community Design Application No. 0001133284, filed January 5, 2009.¹

This petition pursuant to 37 C.F.R. § 1.55(c) is **DISMISSED** as unnecessary.

The present application is for the reissue of U.S. Patent number D620122, which issued on July 20, 2010, from application number 29/346,328.

Parent application number 29/346,328 contained a benefit to the aforementioned foreign European Community Design Application in the declaration that was included on filing, however a certified copy of the priority document was not provided to the Office during the pendency of the parent application, as required by 37 C.F.R. § 1.55(a)(1).

MPEP § 1402 sets forth, *in pertinent part*:

¹ It is noted that a certified copy of this priority document was provided to the Office on November 12, 2010.

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 failure to file a certified copy of the original foreign application to obtain the right of foreign priority under 35 U.S.C. 119(a)-(d) before the patent was granted.

In *Brenner*, the claim for priority had been made in the prosecution of the original patent, and it was only necessary to submit a certified copy of the priority document in the reissue application to perfect priority. Reissue is also available to convert the "error" in failing to take any steps to obtain the right of foreign priority under 35 U.S.C. 119(a)-(d) before the patent was granted. See *Fontijn v. Okamoto*, 518 F.2d 610, 622, 186 USPQ 97, 106 (CCPA 1975) ("a patent may be reissued for the purpose of establishing a claim to priority which was not asserted, or which was not perfected during the prosecution of the original application"). In a situation where it is necessary to submit for the first time both the claim for priority and the certified copy of the priority document in the reissue application, and the patent to be reissued resulted from a utility or plant application which became the patent to be reissued was filed on or after November 29, 2000, the reissue applicant must (where it is necessary to submit for the first time the claim for priority) also file a petition for an unintentionally delayed priority claim under 37 CFR 1.55(c) in addition to filing a reissue application. See MPEP § 201.14(a).

As such, in situations where foreign priority is claimed in an application but a certified copy of the foreign reference was not submitted prior to the issuance of the application, the filing of a reissue application will convert the error *without the additional need to file a petition pursuant to Rule 1.55(c)*.

As this petition is being dismissed as unnecessary, the petition fee has not been charged to Petitioner's Deposit Account.

This application is being referred to Technology Center AU 2913 for examination in due course and for further processing of the reissue application.

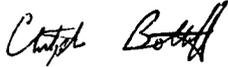
Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.² All other

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.

Application No. 29/378,985
Decision on Petition pursuant to 37 C.F.R. § 1.55(c)

Page 3

inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Chris Bottorff
Supervisor
Office of Petitions



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**3 M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427**

**MAILED
JUL 18 2011
OFFICE OF PETITIONS**

In re Application of :
BEDINGHAM, et al :
Application No. 29/379,083 : ON PETITION
Filed: November 15, 2010 :
Attorney Docket No. 66989US002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2011.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue fee on or before June 21, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 21, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 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 lacks item(s) (1) and (4).

With respect to item (1): The issue fee of \$860 has not been charged because petitioner has not provided the required Part B – Fee(s) Transmittal. Accordingly, since the issue fee has not been charged, the reply is incomplete and does not meet the requirements as set out under 37 CFR 1.137(b).

With respect 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 \$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).

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.

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



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3 M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL MN 55133-3427

MAILED

AUG 19 2011

OFFICE OF PETITIONS

In re Application of :
BEDINGHAM, et al :
Application No. 29/379,083 : **ON PETITION**
Filed: November 15, 2010 :
Attorney Docket No. 66989US002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before June 21, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 21, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 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 payment of the Issue Fee of \$860; (2) the petition fee of \$1620; (3) the required statement of unintentional delay; and (4) a Terminal Disclaimer.

The Terminal Disclaimer is accepted and has been made of record.

The submission of the Continued Prosecution Application (CPA) Request is acknowledged and will be processed by the Technology Center.

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

All other telephone inquiries should be directed to the Technology Center at (571) 272-2900.

The application is being referred to Technology Center AU 2914 for processing of the RCE within the normal course of business.

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



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Moser Taboada / Ansell Limited
1030 Broad Street
Suite 203
Shrewsbury NJ 07702

MAILED

FEB 29 2012

OFFICE OF PETITIONS

In re Patent No. D640836 :
Issued: 06/28/2011 :
Application No. 29/379,280 : **NOTICE**
Filed: 11/17/2010 :
Attorney Docket No. A0224-00D3 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 7, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/31/12

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/379367 Patent No.: D639911

CofC mailroom date: 11/28/11

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: Should the changes be made?

RoChau Hardwick
Certificates of Correction Branch
571 272-0470

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: _____

CATHON C. BROOKS
SUPERVISORY PATENT EXAMINER

2911

SPE Art Unit



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SHELDON MAK & ANDERSON PC
100 CORSON STREET
THIRD FLOOR
PASADENA CA 91103-3842

MAILED

MAR 01 2011

OFFICE OF PETITIONS

In re Application of :

RICHMOND, Dave et al. :

Application No. 29/379,497 :

Filed: November 19, 2010 :

Attorney Docket No. 20788 :

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 December 28, 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 the declaration of inventor Howard Richmond, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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

This application is being referred to the Office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID CHEN
IP ATTORNEYS GROUP, LLC
57 PLAINS ROAD, SUITE 3A
MILFORD, CT 06461

MAILED

JUL 29 2011

OFFICE OF PETITIONS

In re Application of
David Issler
Application No. 29/379,504
Filed: November 19, 2010
Attorney Docket No.: SOFF100390000

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ON PETITION

This is a decision in response to the petition, filed June 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 June 1, 2011, as required by the Notice of Allowance and Fee(s) Due mailed March 1, 2011. A Notice of Abandonment was subsequently mailed on June 14, 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 June 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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P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44th Floor
NEW YORK NY 10112-4498

MAILED
DEC 28 2011
OFFICE OF PETITIONS

In re Application of :
Gartz :
Application No. 29/379,515 : DECISION ON TWO PETITIONS
Filed: November 19, 2010 : PURSUANT TO
Attorney Docket No.: 77410.1176 : 37 C.F.R. §§ 1.137(B) AND
Title: TRAY : 1.182

This is a decision on the petition filed December 2, 2011, pursuant to 37 C.F.R. § 1.137(b) to revive the above-identified application. This is also a decision on the petition filed December 21, 2011, pursuant to 37 C.F.R. § 1.182, requesting expedited handling of the petition pursuant to 37 C.F.R. § 1.137(b).

The petition pursuant to 37 C.F.R. § 1.182 is **GRANTED**. Receipt of the \$400 petition fee is acknowledged. The petition pursuant to 37 C.F.R. § 1.137(b) has been accorded expedited handling.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed August 11, 2011, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings.¹ Accordingly, the above-identified application became abandoned on November 12, 2011. A Notice of Abandonment was mailed on December 1, 2011.

It is noted that the issue fee was received on November 11, 2011.

¹ See MPEP § 710.02(e) (III).

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);
- (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 this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (3) 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 a single sheet of corrected drawings that is properly labeled "REPLACEMENT SHEET," an amendment directing the entry of the same, the petition fee, the proper statement of unintentional delay, and both a terminal disclaimer and the associated fee.

As such, each of the four requirements of Rule 1.137(b) has been met.

The Office of Patent Publication will be notified of this decision, and jurisdiction over this application is transferred to the Office of Patent Publication, so that this application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries

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.

Application No. 29/379,515
Decision on two petitions

Page 3 of 3

concerning the status of the application should be directed to
the Office of Patent Publication at 571-272-4200.



Paul Shanowski
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
www.uspto.gov

In re Application of
Dale C.H. Nevison

:
:

Application No. 29379523

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

Filed:

:

Attorney Docket No. desDNEVlgrit

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 19-NOV-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.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29379529	Confirmation Number	8531	Filing Date	2010-11-19
Attorney Docket Number (optional)	desDNEV\holes	Art Unit		Examiner	
First Named Inventor	Dale C. H. Nevison				
Title of Invention	Mat With Holes				
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		
Dale	C.H.	Nevison			
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) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (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	/Gregory T. Zalecki/		Date (YYYY-MM-DD)	2010-11-19	
Name	Gregory T. Zalecki		Registration Number	29994	

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 Freedom 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 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 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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In re Application of
Dale C.H. Nevison

:
:

Application No. 29379529

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

Filed:

:

Attorney Docket No. desDNEVIholes

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 19-NOV-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.



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**SHELDON MAK & ANDERSON PC
100 CORSON STREET
THIRD FLOOR
PASADENA CA 91103-3842**

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of :
RICHMOND, et al :
Application No. 29/379,540 :
Filed: November 19, 2010 :
Attorney Docket No. 20809 :
: 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 December 28, 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 signed by Applicant Howard Richmond. Accordingly, the above-identified application has been accorded "special" status.

This application will be accorded "special" status when pre-examination processing is done.

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

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

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

/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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Sunbeam Products, Inc.
2381 Executive Center Drive
Boca Raton FL 33431

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of :
Jason Harris et al. :
Application No. 29/379,561 : **DECISION ON PETITION**
Filed: November 22, 2010 :
Attorney Docket No. SUNOST-2-6684 :

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

This application became abandoned for failure to timely pay the issue fee on or before July 28, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 28, 2011. Accordingly, the date of abandonment of this application is July 29, 2011. A Notice of Abandonment was mailed on August 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 (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 \$140 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



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Sunbeam Products, Inc.
2381 Executive Center Drive
Boca Raton FL 33431

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of :
Jason Harris et al. :
Application No. 29/379,561 :
Filed: November 22, 2010 :
Attorney Docket No. SUNOST-2-6684 :

DECISION ON PETITION

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



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NOV 22 2011

OFFICE OF PETITIONS

SHUTTLEWORTH & INGERSOLL, P.L.C.
115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS IA 52406

In re Application of :
Qiang Wang et al. :
Application No. 29/379,727 : **NOTICE**
Filed: November 23, 2010 :
Attorney Docket No. 17157-0033 :

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

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	29379848	Confirmation Number	5096	Filing Date	2010-11-24
Attorney Docket Number (optional)	TV101022	Art Unit		Examiner	
First Named Inventor	Toros Volkan				
Title of Invention	ELECTRIC ICE CUBE				

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
Toros		Volkan	

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)	2010-12-14
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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In re Application of
Toros Volkan

:
:

Application No. 29379848

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

Filed: November 24,2010

:

Attorney Docket No. TV101022

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 14-DEC-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.



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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. 29/379,971 :
Filed: November 29, 2010 :
Attorney Docket No. 17157-0029 :

NOTICE

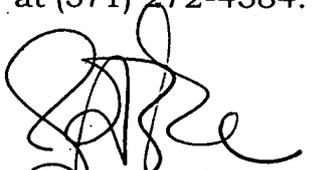
This is a notice regarding your request filed October 17, 2011, and supplemented on November 17, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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



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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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CHARTER IP, LLC
P.O. BOX 64
The Plains VA 20198

MAILED
NOV 23 2011
OFFICE OF PETITIONS

In re Application of :
Tylor H. GARLAND et al. :
Application No. 29/380,082 : DECISION ON PETITION
Filed: November 30, 2010 :
Attorney Docket No. 8602/0035PUS1 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 08, 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 June 23, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 24, 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 corrected formal drawings, (2) the petition fee of \$930.00, (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 June 23, 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 for further processing in accordance with this decision on petition.


Michelle R. Eason
Paralegal Specialist
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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DEC 23 2010

OFFICE OF PETITIONS

OSTRAGER CHONG FLAHERTY & BROITMAN PC
570 LEXINGTON AVENUE
FLOOR 17
NEW YORK NY 10022-6894

In re Application of :
Britt, et al. :
Application No. 29/380,129 : DECISION ACCORDING STATUS
Filed: November 30, 2010 : UNDER 37 CFR 1.47(a)
Attorney Docket No. IMG-DES-1 :

This is in response to the petition under 37 CFR 1.47(a), filed December 2, 2010.

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

Rule 47 applicant has demonstrated that inventor Britt was presented with the application papers, but through his attorney, has refused to sign the oath or declaration.

The petition and declaration have been reviewed and determined to be in compliance with 37 CFR 1.47(a).

The application is hereby accorded Rule 47 status.

As provided in 37 CFR 1.47(c), the Office will provide notice of this application's filing to the non-signing inventor at the address provided in the declaration. Notice will also be provided in the Official Gazette.

The application is being forwarded to Group Art Unit 2913 for docketing and examination in due course.

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

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
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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MICHAEL BRITT
1508 SOUTH MORENGO AVE
PASADENA CA 91106

MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Application of :
Britt, et al. :
Application No. 29/380,129 :
Filed: November 30, 2010 : LETTER
Title: Anti-Static Foam Storage Device
for Removable Electronic Media

Dear Mr. Britt:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 USC 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 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, agent 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 Petitions Attorney Cliff Congo at (571)272-3207. 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 (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Cliff Congo
Petitions Attorney
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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IPxLAW Group LLP
95 South Market Street
Suite 570
San Jose CA 95113

MAILED
AUG 26 2011
OFFICE OF PETITIONS

In re Application of :
Liebowitz, et al. :
Application No. 29/380,301 : **ON PETITION**
Filed: December 2, 2010 :
Attorney Docket No. PANDOL-010D :

This is a decision on the petition under 37 CFR §1.137(b), filed August 8, 2011, in the above-identified application. A duplicate petition was also filed on August 1, 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)."**

The application became abandoned on, after no response was received to the Notice of Allowance and Issue Fee Due mailed April 28, 2011, which set a statutory period for reply of three-months from its mailing date. The Notice required the issue fee be paid. No response was received within the allowable period, and the application became abandoned on July 29, 2011. A Notice of Abandonment was mailed on August 8, 2011.

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

- (1) the required reply, unless previously filed. In a non-provisional 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 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 the requirements of item (4) above.

As to item (4), the terminal disclaimer was not found with the petition papers. The subject application is a design application, therefore; a terminal disclaimer is required in order to revive the application. Any renewed petition filed must be accompanied by the completed terminal disclaimer form, which is enclosed for petitioner's convenience. Pursuant to 37 CFR 1.137(d), the terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted from this application that is equivalent to the period of abandonment of the application.

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

By mail: Mail Stop Petitions
 Commissioner for Patents
 United States Patent and Trademark Office
 Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: PTO/SB/63



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IPxLAW Group LLP
95 South Market Street
Suite 570
San Jose CA 95113

MAILED
SEP 07 2011
OFFICE OF PETITIONS

In re Application of
Liebowitz, et al.
Application No. 29/380,301
Filed: December 2, 2010
Attorney Docket No. PANDOL-010D

ON PETITION

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

The petition is **granted**.

The application became abandoned on, after no response was received to the Notice of Allowance and Issue Fee Due mailed April 28, 2011, which set a statutory period for reply of three-months from its mailing date. The Notice required the issue fee be paid. No response was received within the allowable period, and the application became abandoned on July 29, 2011. A Notice of Abandonment was mailed on August 8, 2011.

The issue fee was received August 8, 2011.

The terminal disclaimer filed September 1, 2011, is noted.

The application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02-18-12

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/380303 Patent No.: d646163

CofC mailroom date: 11-01-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

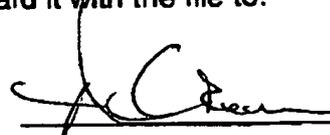
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

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



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

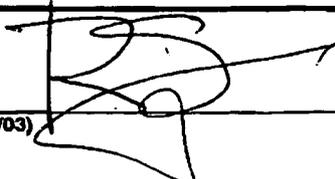
Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: _____

SPE 

Art Unit 2915



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/380,351	12/03/2010	Tracey Anne Lanz	D-1851	5172
27752 7590 01/19/2012 THE PROCTER & GAMBLE COMPANY Global Legal Department - IP Sycamore Building - 4th Floor 299 East Sixth Street CINCINNATI, OH 45202			EXAMINER MORRIS, SANDRA L	
			ART UNIT 2912	PAPER NUMBER
			MAIL DATE 01/19/2012	DELIVERY MODE 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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January 18, 2012

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

In re Application of :
Tracey Anne Lanz : **DECISION ON PETITION**
Application No. 29380351 :
Filed: 12/03/2010 :
Attorney Docket No. **D-1851** :

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 15, 2011.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

- 1. The fee set forth under 37 C.F.R. 1.17(h),
- 2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings), and
- 3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 2 3
A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

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

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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February 13, 2012

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

In re Application of :
Tracey Anne Lanz : **DECISION ON PETITION**
Application No. 29380351 :
Filed: 12/03/10 : **ACCEPTANCE OF COLOR**
Attorney Docket No. **D-1851** : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 8, 2012.

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



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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. 29/380,552 :
Filed: December 7, 2010 :
Attorney Docket No. 17157-0038 :

NOTICE

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

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	29380562	Confirmation Number	1160	Filing Date	2010-12-07
Attorney Docket Number (optional)	AB101127	Art Unit		Examiner	
First Named Inventor	Antonio S. Bugio				
Title of Invention	Plant Support				

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
Antonio	S.	Bugio	

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)	2010-12-07
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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In re Application of
Antonio S. Bugio

:
:

Application No. 29380562

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

Filed:

:

Attorney Docket No. AB101127

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 07-DEC-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.

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	29380563	Confirmation Number	1176	Filing Date	2010-12-07
Attorney Docket Number (optional)	AB101129	Art Unit		Examiner	
First Named Inventor	Antonio S. Bugio				
Title of Invention	Plant Support				

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
Antonio	S.	Bugio	

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)	2010-12-07
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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In re Application of
Antonio S. Bugio

Application No. 29380563

Filed:

Attorney Docket No. AB101129

:

: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 07-DEC-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.



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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

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JUL 13 2011

OFFICE OF PETITIONS

In re Application: :
Jorge Hernan Loaiza :
Application No. 29/380,615 :
Filed: December 8, 2010 :
Attorney Docket No. 088022-0014 :

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 14, 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 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/
Joan Olszewski
Petitions Examiner
Office of Petitions



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DEC 14 2011

OFFICE OF PETITIONS

**KING AND SPALDING LLP
1700 PENNSYLVANIA AVE, NW
SUITE 200
WASHINGTON DC 20006**

In re Patent No. D641151 :
Issue Date: July 12, 2011 :
Application No. 29/380,724 : **DECISION ON PETITION**
Filed: December 10, 2010 :
Attorney Docket No. YOO001-DES :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed November 4, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

Petitioner states that the original Letters Patent was never received.

The required showing to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication (in this case, the original Letters Patent) was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Letters Patent was not received. A copy of the docket record where the non-received Letters Patent would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. *See* MPEP § 711.03(c) and 1156 Official Gazette 53 (November 16, 1993).

The petition is accompanied by the evidence required to establish non-receipt of the original Letters patent. Accordingly, Publishing Division is directed to issue a duplicate Letters Patent.

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

Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Ollie Person at (703) 756-1555 in the Office of Data Management.

A copy of this decision is being sent to the Office of Data Management for issuance of a duplicate Letters Patent.



Thurman K. Page
Petitions Examiner
Office of Petitions

cc: Ollie Person, Randolph Square, 9th Floor, Room D30-A (Fax No. (571) 270-9764)
Kimberly Terrell, Randolph Square, 9th Floor, Room D33 (Fax No. (571) 270-9958)



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In re Application of
Victor V. Schulz

:
:

Application No. 29380850

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

Filed:

:

Attorney Docket No. SchulzChunkerD

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 13-DEC-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.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29/380,850	Confirmation Number	7641	Filing Date	2010-12-11
Attorney Docket Number (optional)	SchulzChunkerD	Art Unit		Examiner	
First Named Inventor	Victor V. Schulz				
Title of Invention	Garbage Disposal Blade Guard				
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		
Victor	V.	Schulz			
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) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (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	/Albert W. Watkins, reg. no. 31,676/		Date (YYYY-MM-DD)	2010-12-13	
Name	Albert W. Watkins		Registration Number	31676	

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 Freedom 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 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 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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P.O. BOX 3001
BRIARCLIFF MANOR NY 10510**

**MAILED
DEC 09 2011
OFFICE OF PETITIONS**

In re Application of :
Jean-Francois Laporte :
Application No. 29/380,860 : **DECISION ON PETITION**
Filed: December 13, 2010 :
Attorney Docket No. D7206US3 :

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.

This application became abandoned for failure to timely pay the issue fee on or before October 14, 2011, as required by the Notice of Allowance and Fee(s) Due mailed July 14, 2011. Accordingly, the date of abandonment of this application is October 17, 2011. A Notice of Abandonment was mailed October 31, 2011.

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.

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 is reminded that since petitioner is not currently power of attorney the required terminal disclaimer may not be signed by Kathleen A. Asher.

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

**PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510**

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of :
Jean-Francois Laporte :
Application No. 29/380,860 : **DECISION ON PETITION**
Filed: December 13, 2010 :
Attorney Docket No. D7206US3 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 18, 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 October 14, 2011, as required by the Notice of Allowance and Fee(s) Due mailed July 14, 2011. Accordingly, the date of abandonment of this application is October 17, 2011. A Notice of Abandonment was mailed October 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 payment of the issue fee of \$990.00 (previously submitted October 28, 2011), (2) the petition fee of \$1,860.00 (previously submitted October 28, 2011); (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.

Additionally, petitioner has submitted an unnecessary duplicate \$1,860.00 petition fee on January 18, 2011. This fee will be refunded to petitioner's deposit account 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/
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

RUBEN ALCOBA, ESQ.
3399 NW 72 AVENUE
SUITE 211
MIAMI, FL 33122

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of :
Alan Ingouville :
Application No. 29/381,070 : **ON PETITION**
Filed: December 15, 2010 :
Attorney Docket No. D-145 :

This is a decision on the petition, filed August 30, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

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. No additional petition fee is required.

A review of the file record shows that a Request to Rescind was filed with petition on August 30, 2011. However, petitioner has not provided the filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

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

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: 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 Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petition 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

RUBEN ALCOBA
3399 NW 72 AVENUE
SUITE 211
MIAMI, FL 33122

MAILED

NOV 16 2011

OFFICE OF PETITIONS

In re Application of :
Alan Ingouville :
Application No. 29/381,070 :
Filed: December 15, 2010 :
Attorney Docket No. D-145 :

ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed March 17, 2011, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 18, 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 the formal drawings; (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
www.uspto.gov

DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert Betram	:	
Application No. 29/381092	:	DECISION ON PETITION
Filed: 12/15/2010	:	
Attorney Docket No.	:	
THOLAM D33AUS	:	

This is a decision on the petition under 37 CFR 1.55(a)(2), filed July 15, 2011, for entry of priority papers submitted after the date the issue fee was paid.

The petition is **GRANTED**.

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d).

The priority papers are accepted as timely filed and have been placed of record in the file.

Petitioner is advised that the rule affecting the submission of a claim for priority or a certified priority document under 37 CFR 1.55(a) was changed effective November 7, 2000. In effect, the Office will permit applicants to file a priority claim or certified priority document with the processing fee set forth in 37 CFR 1.17(i) between the date the issue fee is paid and the date a patent is issued. The Office will, however, merely place such submission in the application file but will not attempt to determine whether the applicant has met the conditions of 35 U.S.C. § 119(a)-(d) to make the priority claim nor include the priority information in the text of the patent. In such a situation, the patent will not contain the priority claim information. The patentee may request a certificate of correction and a determination of entitlement for such priority will be made after the patent is granted. *See Federal Register/Vol. 65, No. 175, September 8, 2000, page 54622.*

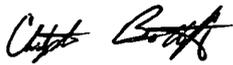
Since this matter is presently before the deciding official in the Office of Petitions, action on the petition under 37 CFR 1.55(a)(2) has been undertaken. However, if the printing of the patent has progressed to the point where the priority data cannot be included on the printed patent,

petitioner may request a certificate of correction pursuant to the provisions of 37 CFR 323 and pay the required fee of \$100.

Any questions concerning this decision should be directed to attorney Derek Woods at (571) 272-3232. Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificate of Corrections Branch at (571) 272-4200.

The processing fee under 37 CFR 1.17(i), \$130.00, has been charged to petitioner's deposit account as authorized in the present petition.

The patent file is being directed to Publishing Division for processing into a patent.



Christopher Bottorff
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

MAILED
SEP 27 2011

OFFICE OF PETITIONS

In re Application of
Takashi Kuwaharada et al.
Application No. 29/381,103
Filed: December 15, 2010
Attorney Docket No: 935311054
(D151829-01)

ON PETITION

This is a decision on the petition filed September 21, 2011 under 37 CFR 1.182, for withdrawal and expungement of the terminal disclaimer filed June 28, 2011.

The petition is **GRANTED** to the extent indicated.

The examiner responsible for the above-identified application has indicated that the terminal disclaimer, filed June 28, 2011, which terminally disclaimed over United States Patent No. 7,748,873, does not apply to any of the claims as currently amended. Accordingly, on petition the terminal disclaimer is withdrawn.

However, expungement of the terminal disclaimer is not an action subject to 37 C.F.R. §1.59.¹

¹The regulations at 37 C.F.R. §1.59 provide:

§1.59 Expungement of information or copy of papers in application file.

(a)

(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.

(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

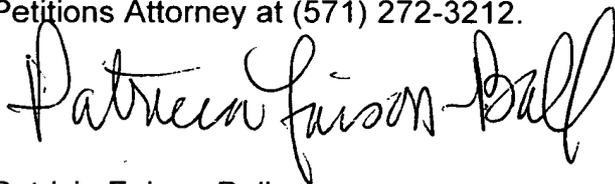
(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR

The petition fee in the amount of \$400.00 has been charged to deposit account no. 23-1925.

This matter is being referred to Technology Center 2912 to correct the records related to the terminal disclaimer filed June 28, 2011 consistent with this decision.

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

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
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MAILED
SEP 27 2011
OFFICE OF PETITIONS

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of :
Takashi Kuwaharada et al. :
Application No. 29/381,107 : **ON PETITION**
Filed: December 15, 2010 :
Attorney Docket No: 9353/1055 :
(D151830-01) :

This is a decision on the petition filed September 21, 2011 under 37 CFR 1.182, for withdrawal and expungement of the terminal disclaimer filed June 28, 2011.

The petition is **GRANTED** to the extent indicated.

The examiner responsible for the above-identified application has indicated that the terminal disclaimer, filed June 28, 2011, which terminally disclaimed over United States Patent No. 7,748,873, does not apply to any of the claims as currently amended. Accordingly, on petition the terminal disclaimer is withdrawn.

However, expungement of the terminal disclaimer is not an action subject to 37 C.F.R. §1.59.¹

¹The regulations at 37 C.F.R. §1.59 provide:

§1.59 Expungement of information or copy of papers in application file.

(a)

(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.

(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR

The petition fee in the amount of \$400.00 has been charged to deposit account no. 23-1925.

This matter is being referred to Technology Center 2912 to correct the records related to the terminal disclaimer filed June 28, 2011 consistent with this decision.

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003; para. (a)(1) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004; para. (b) revised, 69 FR 56481, Sept. 21, 2004, effective Nov. 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

CLAUSE EIGHT INTELL. PROP. SERVICE
P.O BOX 131270
CARLSBAD, CA 92013

MAILED
FEB 09 2012

OFFICE OF PETITIONS

In re Application of
Jeremy M. Leblanc, et al.
Application No. 29/381,155
Filed: December 15, 2010
Attorney Docket No.: TP-002

ON PETITION

This is a decision on the petition, filed December 30, 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 August 26, 2011, which set a period for reply of three (3) months. A Notice of Abandonment was mailed on December 15, 2011. On December 30, 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-Web²

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

² www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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P.O BOX 131270
CARLSBAD, CA 92013

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of :
Jeremy M. Leblanc, et al. :
Application No. 29/381,155 : **ON PETITION**
Filed: December 15, 2010 :
Attorney Docket No.: TP-002 :

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

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 August 26, 2011. A Notice of Abandonment was mailed on December 15, 2011. On December 30, 2011, a petition under the provisions of 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed February 9, 2012. In response, on December 12, 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 \$930; (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 February 13, 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 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

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		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	29381162	
Filing Date	16-Dec-2010	
First Named Inventor	Scott McManigal	
Art Unit	2912	
Examiner Name	NANDA BONDADE	
Attorney Docket Number	10_0040	
Title	SOUND BAR SPEAKER SYSTEM	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		89051
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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	Jerry Huang	
Address	39 Tesla	
City	Irvine	
State	CA	
Postal Code	92618	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Frank Liebenow/
Name	Frank Liebenow
Registration Number	48688



UNITED STATES 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 10,2011

In re Application of :

Scott McManigal

Application No : 29381162

Filed : 16-Dec-2010

Attorney Docket No : 10_0040

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF 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 10,2011

The request is **APPROVED**.

The request was signed by Frank Liebenow (registration no. 48688) on behalf of all attorneys/agents associated with Customer Number 89051 . All attorneys/agents associated with Customer Number 89051 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 Jerry Huang
Name2
Address 1 39 Tesla
Address 2
City Irvine
State CA
Postal Code 92618
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
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : June 10,2011

In re Application of :

Scott McManigal

Application No : 29381163

Filed : 16-Dec-2010

Attorney Docket No : 10_0041

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF 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 10,2011

The request is **APPROVED**.

The request was signed by Frank Liebenow (registration no. 48688) on behalf of all attorneys/agents associated with Customer Number 89051 . All attorneys/agents associated with Customer Number 89051 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 Jerry Huang
Name2
Address 1 39 Tesla
Address 2
City Irvine
State CA
Postal Code 92618
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		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		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	29381163	
Filing Date	16-Dec-2010	
First Named Inventor	Scott McManigal	
Art Unit	2912	
Examiner Name	NANDA BONDADE	
Attorney Docket Number	10_0041	
Title	Sound Bar Speaker System	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		89051
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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	Jerry Huang	
Address	39 Tesla	
City	Irvine	
State	CA	
Postal Code	92618	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Frank Liebenow/
Name	Frank Liebenow
Registration Number	48688

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		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	29381165	
Filing Date	16-Dec-2010	
First Named Inventor	Scott McManigal	
Art Unit	2912	
Examiner Name	NANDA BONDADE	
Attorney Docket Number	10_0044	
Title	SATELLITE SPEAKER	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		89051
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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	Jerry Huang	
Address	39 Tesla	
City	Irvine	
State	CA	
Postal Code	92618	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Frank Liebenow/
Name	Frank Liebenow
Registration Number	48688



UNITED STATES 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 10,2011

In re Application of :

Scott McManigal

Application No : 29381165

Filed : 16-Dec-2010

Attorney Docket No : 10_0044

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF 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 10,2011

The request is **APPROVED**.

The request was signed by Frank Liebenow (registration no. 48688) on behalf of all attorneys/agents associated with Customer Number 89051 . All attorneys/agents associated with Customer Number 89051 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 Jerry Huang
Name2
Address 1 39 Tesla
Address 2
City Irvine
State CA
Postal Code 92618
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		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		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	29381166	
Filing Date	16-Dec-2010	
First Named Inventor	Scott McManigal	
Art Unit	2912	
Examiner Name	NANDA BONDADE	
Attorney Docket Number	10_0045	
Title	WOOFER	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		89051
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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	Jerry Huang	
Address	39 Tesla	
City	Irvine	
State	CA	
Postal Code	92618	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Frank Liebenow/
Name	Frank Liebenow
Registration Number	48688



UNITED STATES 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 10,2011

In re Application of :

Scott McManigal

Application No : 29381166

Filed : 16-Dec-2010

Attorney Docket No : 10_0045

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF 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 10,2011

The request is **APPROVED**.

The request was signed by Frank Liebenow (registration no. 48688) on behalf of all attorneys/agents associated with Customer Number 89051 . All attorneys/agents associated with Customer Number 89051 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 Jerry Huang
Name2
Address 1 39 Tesla
Address 2
City Irvine
State CA
Postal Code 92618
Country US

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

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

Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE WI 53202-4497

MAILED

JUL 01 2011

OFFICE OF PETITIONS

In re Application of :
Reid et al. :
Application No. 29/381,204 : DECISION GRANTING STATUS
Filed: December 16, 2010 : STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. 550299.01056 :

This is in response to the petition under 37 CFR 1.47(a), filed April 29, 2011.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventor, Joseph Ellice, 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.

Petitioner submitted \$130.00 towards payment of the \$200.00 petition fee. Accordingly, an additional \$70.00 will be charged to petitioner's deposit account as authorized.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2913 for examination on the merits.

/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

JOSEPH ELLICE
3059 S. KINNICKINNIC AVENUE, APT. #1
MILWAUKEE, WI 53207

MAILED

JUL 01 2011

In re Application of :
Reid et al. :
Application No. 29/381,204 :
Filed: December 16, 2010 :
Attorney Docket No. 550299.01056 :

OFFICE OF PETITIONS

ON PETITION

Mr. Ellice,

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/
Liana Walsh
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
www.uspto.gov

KING AND SPALDING LLP
1700 PENNSYLVANIA AVE, NW
SUITE 200
WASHINGTON, DC 20006

MAILED

DEC 02 2011

OFFICE OF PETITIONS

In re Patent No. D641,152 :
Issue Date: July 12, 2011 :
Application No. 29/381,293 : **DECISION ON PETITION**
Filed: December 17, 2010 :
Attorney Docket No.: YOO002-DES :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed November 4, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

Petitioner states that the original Letters Patent was never received.

The required showing to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication (in this case, the original Letters Patent) was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Letters Patent was not received. A copy of the docket record where the nonreceived Letters Patent would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. *See* MPEP § 711.03(c) and 1156 Official Gazette 53 (November 16, 1993).

The petition is accompanied by the evidence required to establish nonreceipt of the original Letters patent. Accordingly, Publishing Division is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Ollie Person in the Office of Data Management at (703) 756-1555.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Ollie Person, RSQ, 9th Floor, Room D30-A (Fax No. 571-270-9764)



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dr. Arthur King Ma
323 Leda Lane
Arcadia CA 91006-4258

In re Application of
YUEN, SE KIT

Application No.: 29/381,410

Filing or 371(c) Date: December 20, 2010

Attorney Docket Number: AGDP10809-JML

DEC 23 2011

:
: 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 November 22, 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 June 29, 2011 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on November 17, 2011.

Petitioner states that the issue fee transmittal and payment were timely express mailed to the USPTO on September 29, 2011. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing.

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
www.uspto.gov

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

MAILED

FEB 22 2012

OFFICE OF PETITIONS

In re Application of
Pierpaolo Congiu
Application No. 29/381,434
Filed: December 20, 2010
Attorney Docket No.: P73993US0

:
:
:
:
:
:

ON PETITION

This is a decision on the petition, filed January 17, 2012, 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 a failure to timely pay the issue fee and submit corrected drawings in reply to the Notice of Allowance and Notice of Allowability, mailed August 30, 2011, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed on December 14, 2011. On January 17, 2012, 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 \$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-Web²

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

² www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

MAILED
MAR 14 2012
OFFICE OF PETITIONS

In re Application of
Pierpaolo Congiu
Application No. 29/381,434
Filed: December 20, 2010
Attorney Docket No.: P73993US0

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 2, 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 November 30, 2011. A Notice of Abandonment was mailed on December 14, 2011. On January 17, 2012, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed February 22, 2012. In response, on March 2, 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 March 2, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**JONES, WALKER, WAECHTER, POITEVENT, CARRERE
& DENEGRE, L.L.P.
5TH FLOOR, FOUR UNITED PLAZA
8555 UNITED PLAZA BOULEVARD
BATON ROUGE LA 70809**

MAILED

SEP 07 2011

OFFICE OF PETITIONS

Patent No. D641894 :
Issue Date: July 19, 2011 :
Application No. 29/381,477 :
Filed: December 20, 2010 :
Attorney Docket No. 18050/124537-00 :

ON PETITION

This is a decision on the petition filed July 27, 2011, a request 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 patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/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

JOSEPH CURTIS EDMONDSON
15490 NW OAK HILLS DR
BEAVERTON, OR 97006

MAILED
NOV 16 2011
OFFICE OF PETITIONS

In re Application of :
Gary Bryman :
Application No. 29/381,540 : DECISION ON PETITION
Filed: December 20, 2010 :
Attorney Docket No. BRY 2.003.US DES :

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 September 13, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 13, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 14, 2011. A Notice of Abandonment was mailed on September 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 the \$495 issue fee, (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 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.

A handwritten signature in cursive script, appearing to read "April M. Wise".

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

MAYER BROWN LLP
P.O. BOX 2828
CHICAGO IL 60690

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
Johann Lee :
Application No. 29/381,550 : **DECISION ON PETITION**
Filed: December 20, 2010 :
Attorney Docket No. 10487634 :

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**.

This application became abandoned for failure to timely pay the issue fee on or before July 28, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 28, 2011. Accordingly, the date of abandonment of this application is July 29, 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; 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**MAYER BROWN LLP
P.O. BOX 2828
CHICAGO IL 60690**

**MAILED
SEP 13 2011
OFFICE OF PETITIONS**

In re Application of :
Johann LEE :
Application No. 29/381,551 : **DECISION ON PETITION**
Filed: December 20, 2010 :
Attorney Docket No. 10487628 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 08, 2011, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before March 02, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 02, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 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 the \$860.00 issue fee, (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 timely pay the issue fee 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

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	29381651	Confirmation Number	5091	Filing Date	2010-12-21
Attorney Docket Number (optional)	7517173	Art Unit		Examiner	
First Named Inventor	Victoria L. Neeson				
Title of Invention	BAG				

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
Victoria	L.	Neeson	

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)	2011-05-31
Name	Kevin Prince	Registration Number	57207

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

In re Application of
Victoria L. Neeson

:
:

Application No. 29381651

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

Filed: December 21,2010

:

Attorney Docket No. 7517173

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 14-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF BRIAN S STEINBERGER
101 BREVARD AVENUE
COCOA FL 32922

MAILED

JAN 03 2011

In re Application of	:	OFFICE OF PETITIONS
BITTNER, Norman Douglas	:	
Application No. 29/381,756	:	DECISION ON PETITION
Filed: December 22, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PC-2805D	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 22, 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 attesting that William L. Alexander is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

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

NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK NY 10017

MAILED
APR 19 2011
OFFICE OF PETITIONS

In re Application of :
Zemel, Marc : DECISION ON PETITION
Application No. 29/381,822 : TO WITHDRAW
Filed: December 23, 2010 : FROM RECORD
Attorney Docket No. 10-6192 :

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) in the instant application, the request cannot be granted. 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.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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

NATTER & NATTER
501 FIFTH AVENUE
SUITE 808
NEW YORK NY 10017

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of :
Zemel, Marc : **DECISION ON PETITION**
Application No. 29/381,822 : **TO WITHDRAW**
Filed: December 23, 2010 : **FROM RECORD**
Attorney Docket No. 10-6192 :

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 22, 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 attorneys/agents of record who are associated with Customer Number 28143. All attorneys/agents associated with Customer Number 28143 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, Marc Zemel, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: MARC ZEMEL
C/O MR. BAR-B-Q-INC.
445 WINDING ROAD
OLD BETHPAGE NY 11804

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120309

DATE : March 09, 2012

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction on Patent No.: D644308

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:

Changing the title from Fireplace to Oven has no antecedent basis in the original disclosure. Fireplace and Oven are 2 disparate articles. The request is DENIED.

/CELIA MURPHY/
Supervisory Patent Examiner.Art Unit 2914

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : March 9, 2012

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/381859 Patent No.: D644310

:

CofC mailroom date: 02-21-12.

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

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.

- | | |
|---|--|
| <input type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input checked="" type="checkbox"/> Denied | State the reasons for denial below. |

Comments: Changing the title from Fireplace to Oven has no antecedent basis in the original disclosure. "Fireplace" and "Oven" are 2 disparate articles. The request is denied.

/Celia A. Murphy/
SPE

**2914
Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120309

DATE : March 09, 2012

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction on Patent No.: D644310

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:

Changing the title from Fireplace to Oven has no antecedent basis in the original disclosure. Fireplace and Oven are 2 disparate articles. The request is DENIED.

/CELIA MURPHY/
Supervisory Patent Examiner.Art Unit 2914



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Hamre, Schumann,
Mueller & Larson, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902

Date Mailed : March 5, 2012
Serial No. : 29/381859
Patent No. : D644,310 S
Patent Issued : August 30, 2011
Inventor(s) : Giuseppe De' Longhi
Title : ELECTRIC FIREPLACE

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent.

Respecting the alleged error(s) noted in your request: Changing the title from Fireplace to Oven has no antecedent basis in the original disclosure. "Fireplace" and "oven" are 2 disparate articles.

In view of the foregoing your request is hereby denied.

Magdalene Talley
For Mary Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(703)756-1540
FAX 571-270-9942

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/16/12

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29381880 Patent No.: D652214

CofC mailroom date: 01/24/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: Should the changes be made?

Lamonte Newsome

**Certificates of Correction Branch
571-272-3421**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: The proposed correction would result in an incomplete list: "... showing the handbag sides, zipper, piping and _____ are for the purposes..." A proper request should delete [and handles].

/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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Date Mailed : 02/17/12

Patent No. : D652214 S
Patent Issued : **January 17, 2012**
Docket No. : **BUILT.DP176**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 01/24/12; please see attachments.
"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."

In view of the foregoing, your request in this matter is hereby denied.

A handwritten signature in black ink, appearing to read "Lamonte M. Newsome".

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703)756-1580

**LACKENBACH SIEGEL, LLP
LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE NY 10583**

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/16/12

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29381880 Patent No.: D652214

CofC mailroom date: 01/24/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**



Note: **Should the changes be made?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: The proposed correction would result in an incomplete list: "... showing the handbag sides, zipper, piping and _____ are for the purposes..." A proper request should delete [and handles].

/ROBERT M. SPEAR/

2915

SPE

Art Unit



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MAILED

MAY 20 2011

OFFICE OF PETITIONS

PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

In re Application of :
Warren, et al. : DECISION REFUSING STATUS
Application No. 29/382,007 : UNDER 37 CFR 1.47(a)
Filed: December 28, 2010 :
Atty. Dkt. No.: 102792-1182 / 12417P5 :

This decision is in response to the petition under 37 CFR 1.47(a) filed February 14, 2011.

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

Petitioners are 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 herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 28, 2010 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed January 7, 2011. The Notice required a surcharge and an executed oath or declaration.

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.

The petition and accompanying documents assert that an email forwarded to the non-signing inventor on December 22, 2010 included an oath/declaration, assignment document, and copy of drawings for the instant application. Petitioners assert that no response to the email was received.

The petition and accompanying documents further assert that a letter, which included an oath/declaration, assignment document, and copy of drawings for the instant application, was mailed

to the non-signing inventor on January 27, 2011. Petitioners assert that the letter was returned to sender as undeliverable due to incorrect address.

The petition and accompanying documents reference a telephone call to the non-signing inventor in which the non-signing inventor failed to provide an updated mailing address.

The petition and accompanying documents have been carefully reviewed, but fail 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 sign the oath or declaration, or, that the non-signing inventor cannot be reached for presentation of the application papers.

To the extent that petitioners allege the non-signing inventor has refused to execute the oath or declaration, petitioners are reminded that 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.

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.

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.

To the extent that petitioners alleges the non-signing inventor cannot be reached or located, petitioners are reminded that where inability to reach or locate a non-signing inventor is alleged, petitioners are required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration). Petitioners have not established that diligent effort has been made to locate the non-signing inventor for presentation of the application papers.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. 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. At the very least, a search of the internet, human resource records, telephone directories, etc. should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioners should reference and supply evidence of any such searches in a renewed petition. *See*, MPEP 409.03(d).

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration presented is unacceptable because it seemingly fails to provide the mailing address and residence of the non-signing inventor in accordance 37 CFR 1.63(c)(1). The mailing address and residence provided in the declaration appears to be that of the non-inventor's former employer rather than the address and residence of the non-signing inventor. Correction, in the form of a newly executed oath or declaration or supplemental application data sheet, should accompany any request for reconsideration.

As to item (3), the required petition fee of \$200.00 has been charged to the authorized deposit account.

As to item (4), the last known address of the non-signing inventor has not been provided.

An application filed pursuant to 37 CFR 1.47 must state the last known address of the non-signing inventor. That address should be the last known address at which the inventor customarily receives mail. Ordinarily, the last known address will be the last known residence of the non-signing inventor. Inasmuch as a non-signing inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the non-signing inventor may be reached should also be given. Each applicant's mailing or post office address is required to be supplied on the oath or declaration, if not stated in an application data sheet. Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address. The mailing address should include the ZIP Code designation. The object of requiring each applicant's mailing address is to enable the Office to communicate directly with the applicant if desired; hence, the address of the attorney with instruction to send communications to applicant in care of the attorney is not sufficient. In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. *See* MPEP §§ 409.03(e) and 605.03.

Correction upon renewed petition 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 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/

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

PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

MAILED

SEP 16 2011

OFFICE OF PETITIONS

In re Application of :
Warren, et al. : DECISION GRANTING STATUS
Application No. 29/382,007 : UNDER 37 CFR 1.47(a)
Filed: December 28, 2010 :
Atty. Dkt. No.: 102792-1182 / 12417P5 :

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed July 15, 2011.

The petition is GRANTED.

Petitioner has shown that despite diligent effort on the part of applicants, the non-signing inventor cannot be reached or located for presentation of the application papers.

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 required one month extension of time has been charged to the authorized deposit account.

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) 272-3205.

/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

Claud Warren
8a Danbury Close
Marsfield
NSW 2122
Australia

MAILED
SEP 16 2011
OFFICE OF PETITIONS

In re Application of
Warren, et al.
Application No. 29/382,007
Filed: December 28, 2010
Atty. Dkt. No.: 102792-1182 / 12417P5

Dear Sir:

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 the undersigned at (571) 272-3205. 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).

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

cc: PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022



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**LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604**

MAILED

MAR 02 2011

OFFICE OF PETITIONS

In re Application: :
Zdenko Oliver Santini :
Application No. 29/382,108 :
Filed: December 29, 2010 :
Attorney Docket No. CU-8762 ZBF :

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 24, 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 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.

However, an itemization of the total deficiency payment is required by 37 CFR 1.28(c)(2)(ii). The itemization must include the following information:

- (A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
- (B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

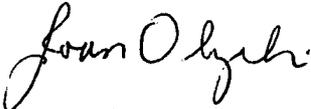
- (C) The deficiency owed amount (for each fee erroneously paid); and
- (D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

If the requirements of 37 CFR 1.28(c)(2) are not complied with (i.e. not itemizing the total deficiency ,etc.), such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

Petitioner has not provided an itemization of the total deficiency payment of \$230.00 and therefore petitioner's deposit account has been charged the \$130.00 processing fee as set forth in 37 CFR 1.17(i).

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent 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.

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



Joan Olszewski
Petitions Examiner
Office of Petitions



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In re Application of
Mohammed Hadi

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Application No. 29382207

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

Filed:

:

Attorney Docket No. FG-MEM-002

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382209

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

Filed:

:

Attorney Docket No. FG-MEM-334

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382210

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

Filed:

:

Attorney Docket No. FG-MFP-101

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382213

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

Filed:

:

Attorney Docket No. FG-MFP-183

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382214

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

Filed:

:

Attorney Docket No. FG-MFP-252

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382225

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

Filed:

:

Attorney Docket No. FG-MFP-430

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382288

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

Filed:

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Attorney Docket No. FG-MFP-432

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382289

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

Filed:

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Attorney Docket No. FG-MFP-493

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382290

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

Filed:

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Attorney Docket No. FG-MFP-551

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382291

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

Filed:

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Attorney Docket No. FG-MFP-552

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382292

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

Filed:

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Attorney Docket No. FG-MFP-685

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382294

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

Filed:

:

Attorney Docket No. FG-MFP-705

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382296

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

Filed:

:

Attorney Docket No. FG-MFP-756

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

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Application No. 29382298

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

Filed:

:

Attorney Docket No. FG-MFP-782

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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In re Application of
Mohammed Hadi

:

Application No. 29382299

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

Filed:

:

Attorney Docket No. FG-MFP-1003

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-DEC-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.



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GULF COAST INTELLECTUAL PROPERTY GROUP, LLC
5450 BRUCE B. DOWNS
SUITE 355
WESLEY CHAPEL, FL 33543

MAILED

JAN 28 2011

OFFICE OF PETITIONS

In re Application of :
Marva Flowers :
Application No. 29/382,641 : **ON PETITION**
Filed: January 3, 2011 :
Attorney Docket No. MF-01 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 5, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

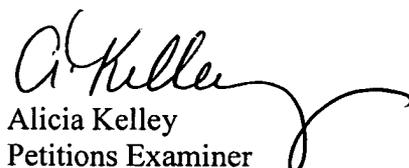
The petition is **GRANTED**.

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

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.


Alicia Kelley
Petitions Examiner
Office of Petitions



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MELINE LAW FIRM, PLLC
7828 S HANGMAN VALLEY ROAD
SPOKANE WA 99224

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Tohm, Fred A. Sr. :
Application No. 29/382,686 : **ON PETITION**
Filed: January 6, 2011 :
Attorney Docket No. ATOHM0102 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 6, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant, Fred A. Tohm, Sr. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions



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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

SEP 23 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Kosuke Kubo et al. :
Application No. 29/382,690 :
Filed: January 6, 2011 :
Attorney Docket No. 07057.0485-00000 :

This is a decision on the petition to withdraw the holding of abandonment, filed August 19, 2011, which is treated under 37 CFR 1.181.

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

The application became abandoned for failure to timely pay the issue fee. A Notice of Allowance was mailed May 27, 2011 thus closing prosecution in the application. Payment of the issue fee was due not later than August 29, 2011. No response having been filed, a Notice of Abandonment was mailed September 9, 2011.

Petitioners argue that on August 29, 2011, prior to payment of the issue fee, and therefore in lieu thereof, petitioners filed a Continued Prosecution Application (CPA), an Information Disclosure Statement (IDS) and a Preliminary Amendment. Submitted as proof is "copies of the as-filed Request for Filing of a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) and the stamped receipt card proving the filing of the CPA and payment of the appropriate fee on August 29, 2011".

A review of the file reveals that the Continued Prosecution Application (CPA), Information Disclosure Statement (IDS) and Preliminary Amendment are of record with a receipt date of August 29, 2011. Accordingly, the Notice of Abandonment mailed September 9, 2011 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 2917 for continued prosecution of the instant application.

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

Decision Date : June 10,2011

In re Application of :

Scott McManigal

Application No : 29382765

Filed : 07-Jan-2011

Attorney Docket No : 10_0046

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF 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 10,2011

The request is **APPROVED**.

The request was signed by Frank Liebenow (registration no. 48688) on behalf of all attorneys/agents associated with Customer Number 89051 . All attorneys/agents associated with Customer Number 89051 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 Jerry Huang
Name2
Address 1 39 Tesla
Address 2
City Irvine
State CA
Postal Code 92618
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		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		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	29382765	
Filing Date	07-Jan-2011	
First Named Inventor	Scott McManigal	
Art Unit	2912	
Examiner Name	NANDA BONDADE	
Attorney Docket Number	10_0046	
Title	2.1 WOOFER	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		89051
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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	Jerry Huang	
Address	39 Tesla	
City	Irvine	
State	CA	
Postal Code	92618	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Frank Liebenow/
Name	Frank Liebenow
Registration Number	48688



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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

MAILED

FEB 27 2012

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of :
Anna-Pia Slothower et al :
Application No. 29/383,051 :
Filed: January 11, 2011 :
Attorney Docket No. 046149/7823 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 23, 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 November 17, 2011 as required by the Notice of Allowance mailed August 17, 2011. A Notice of Abandonment was mailed on November 30, 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 the issue 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 August 17, 2011, is accepted as having been unintentionally delayed.

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

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

/KOC/
Karen Creasy
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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In re Application of
Mohammed Hadi

:
:

Application No. 29383142

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

Filed:

:

Attorney Docket No. FG-MFP-236

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 14-JAN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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www.uspto.gov

In re Application of
Mohammed Hadi

:
:

Application No. 29383181

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

Filed:

:

Attorney Docket No. FG-MGZ-263

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 14-JAN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of :
Matthew Corey Catudella et al. :
Application No. 29/383,528 : DECISION ON PETITION
Filed: January 19, 2011 :
Attorney Docket No. ZD-6059 :

This is a decision on the petition under 37 CFR 1.182, filed, May 27, 2011, to change the name of inventor "Yokote Kiyoshi" to -- Kiyoshi Yokote --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Any questions concerning this matter may be directed to JoAnne Burke at (571) 272-4584. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2911 for the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 29/383,528, 01/19/2011, 2911, 590, ZD-6059, 1, 1

CONFIRMATION NO. 1237

CORRECTED FILING RECEIPT



27752
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Date Mailed: 06/22/2011

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)

Matthew Corey Cataudella, Boston, MA;
Andrew Anthony Szczepanowski, North Attleboro, MA;
Kiyoshi Yokote, Kashiwa-city, JAPAN;
Junichi Yoshitomi, Matsudo-City, JAPAN;

Power of Attorney: None

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: 01/26/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 29/383,528

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

SHAVING RAZOR HANDLE

Preliminary Class

D28

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 Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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

MAILED
DEC 19 2011

OFFICE OF PETITIONS

In re Application of :
James D. Walters, et al. :
Application No. 29/383,552 : **DECISION ON PETITION**
Filed: January 19, 2011 :
Attorney Docket No. 461494-0780 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee before October 11, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 8, 2011. Accordingly, the date of abandonment of this application is October 12, 2011. The Notice of Abandonment was mailed October 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, (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).

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
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Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
John H. Sanders

:
:

Application No. 29383776

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

Filed:

:

Attorney Docket No. P-2182 DES

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-JAN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

MAILED

SEP 21 2011

OFFICE OF PETITIONS

In re Application of :
Luigi Barba :
Application No. 29/383,900 :
Filed: January 24, 2011 :
Attorney Docket No.: ALCAR-001DUS :

ON PETITION

This is a decision in response to the petition, filed September 1, 2011, to revive the above-identified design 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 a failure to timely submit corrected formal drawings on or before August 2, 2011, as required by the Notice of Allowability, mailed May 2, 2011. A Notice of Abandonment was mailed August 15, 2011. On September 1, 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.

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.

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.

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-Web²

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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ALISO VIEJO, CA 92656

MAILED

OCT 17 2011

OFFICE OF PETITIONS

In re Application of
Luigi Barba
Application No. 29/383,900
Filed: January 24, 2011
Attorney Docket No.: ALCAR-001DUS

ON PETITION

This is a decision on the renewed petition, filed October 6, 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 May 2, 2011. A Notice of Abandonment was mailed on August 15, 2011. On September 1, 2011, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed September 21, 2011. In response, on October 6, 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 \$160 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed October 6, 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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ALISO VIEJO, CA 92656

MAILED

SEP 21 2011

OFFICE OF PETITIONS

In re Application of :
Luigi Barba :
Application No. 29/383,901 :
Filed: January 24, 2011 :
Attorney Docket No.: ALCAR-002DUS :

ON PETITION

This is a decision in response to the petition, filed September 1, 2011, to revive the above-identified design 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 a failure to timely submit corrected formal drawings on or before August 2, 2011, as required by the Notice of Allowability, mailed May 2, 2011. A Notice of Abandonment was mailed August 15, 2011. On September 1, 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.

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

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.

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-Web²

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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MAILED

OCT 17 2011

OFFICE OF PETITIONS

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

In re Application of :
Luigi Barba :
Application No. 29/383,901 : **ON PETITION**
Filed: January 24, 2011 :
Attorney Docket No.: ALCAR-002DUS :

This is a decision on the renewed petition, filed October 6, 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 May 2, 2011. A Notice of Abandonment was mailed on August 15, 2011. On September 1, 2011, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed September 21, 2011. In response, on October 6, 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 \$160 fee required by 37 CFR 1.137(d).

The terminal disclaimer filed October 6, 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
www.uspto.gov

CARLSON, GASKEY & OLDS, PC
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of :
Charlotte Matushce :
Application No. 29/383,965 :
Filed: January 25, 2011 :
Attorney Docket No. B 5392 US; 67267- :
028DUS1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.313(a), filed May 3, 2011, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of a petition to accept color photos filed on May 3, 2011.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of a petition to accept color drawings does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have the color drawing considered other than by way of petition to withdraw the application from issue.

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

By fax: **(571) 273-0025**
 Office of Petitions

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This matter is being referred to Technology Center AU 2911 for appropriate processing of the petition to accept color drawing under 37 CFR 1.84(a)(2) May 11, 2011.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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CARLSON, GASKEY & OLDS, PC
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Charlotte Matusche :
Application No. 29/383,965 : **DECISION DISMISSING PETITION**
Filed: January 25, 2011 : **UNDER 37 CFR 1.313(c)(3)**
Attorney Docket No. B 5392 US; 67267- :
028DUS1 :

This is a decision on the renewed petition under 37 CFR 1.313(c)(3), filed June 13, 2011, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed as moot**.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on April 4, 2011, with the issue fee being due on or before July 5, 2011. **There is no indication that the issue fee has been paid.**

The petition to withdraw from issue is accompanied by the filing of a request under 37 CFR 1.53(d) for a continued prosecution application (CPA) and filing fees therefor, along with an information disclosure statement.

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 non-provisional 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 non-provisional 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.

In view of the above, the petition is dismissed as moot.

Since the petition fee filed concurrently with this petition is considered to be a duplicate of the fee previously paid, the petition fee filed June 13, 2011 will be refunded to petitioner's deposit account

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.

The matter is being referred to Technology Center AU 2911 for appropriate processing of the CPA filed June 13, 2011, and for consideration of the concurrently filed amendment.

/AMW/

April M. Wise
Petitions Examiner
Office of Petitions



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July 21, 2011

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

In re Application of :
Charlotte Matusche : **DECISION ON PETITION**
Application No. 29383965 :
Filed: 1/25/2011 : **ACCEPTANCE OF COLOR**
Attorney Docket No. : **DRAWINGS**
B 5392 US; 67267-028DUS1

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 13, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE. Includes application number 29/383,965, filing date 01/25/2011, inventor Charlotte Matusche, attorney B 5392 US; 67267-028DLIS1, examiner STEVENS, MAURICE E, art unit 2911, mail date 07/21/2011, delivery mode 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



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P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID PRESSMAN, ESQ.
1070 GREEN STREET
1402
SAN FRANCISCO CA 94133-5418

MAILED

JUL 22 2011

OFFICE OF PETITIONS

In re Application of :
Mark Finnie :
Application No. 29/384,040 : NOTICE
Filed: January 26, 2011 :
Attorney Docket No. **FINNIEAIRCLNRDES** :

This is a notice regarding your request filed June 30, 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**.

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 David Pressman 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, David Pressman desires to be acknowledged as the attorney of record in this file, the appropriate power of attorney documents must be submitted.

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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HOUDA EL-JARRAH
PO BOX 27087
HOUSTON TX 77227

MAILED
SEP 07 2011
OFFICE OF PETITIONS

In re Application of :
Ahmed Deyaf :
Application No. 29/384,127 : ON PETITION
Filed: January 27, 2011 :
Attorney Docket No. 100301 :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed August 18, 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.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed on April 4, 2011. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on July 5, 2011. The Office mailed a Notice of Abandonment on July 18, 2011.

A grantable petition under 37 CFR 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 CFR 1.17(1); and (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. The instant petition lacks 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."¹

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.

Petitioner argues that the late submission of a reply was unavoidable, due to the fact that his prior attorney did not pay the issue fee, and never notified him of the Notice of Allowance.

Petitioner's argument has been considered, but is not persuasive. The Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicants, and applicants are bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); Smith v. Diamond, 209 USPQ 1091, 1093 (D.D.C. 1981). As such, such error can not be characterized as unavoidable within the meaning of 37 C.F.R. § 1.137(a).

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 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); 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.

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

¹ In re Mattulath, 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).

Application No. 29/384,127

Page 3

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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HOUDA EL-JARRAH
PO BOX 27087
HOUSTON TX 77227

MAILED
OCT 12 2011
OFFICE OF PETITIONS

In re Application of :
Ahmed Deyaf :
Application No. 29/384,127 : ON PETITION
Filed: January 27, 2011 :
Attorney Docket No. 100301 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed September 23, 2011.

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

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed on April 4, 2011. This Notice set a statutory period for reply of three months. No issue fee having been received, the application became abandoned on July 5, 2011. The Office mailed a Notice of Abandonment on July 18, 2011. Applicant filed a petition to revive under 37 CFR 1.137(a) on August 18, 2011. However, the petition was dismissed in a decision mailed on September 7, 2011.

With the instant petition, petitioner has paid the petition fee, made the proper statement of unintentional delay, and filed a Terminal Disclaimer. The required reply in the form of the issue fee was previously paid on August 18, 2011.

Application No. 29/384,127

Page 2

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)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is written in a cursive, somewhat stylized font.

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
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In re Application of
Robert H. Eustis

:
:

Application No. 29384131

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

Filed:

:

Attorney Docket No. 50120.0012

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

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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ALEXANDER D. RARING
HAMILTON BEACH BRANDS, INC.
4421 WATERFRPMT DRIVE
GLEN ALLEN, VA 23060

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
Charles Young Choi, et al. :
Application No. 29/384,173 : **ON PETITION**
Filed: January 27, 2011 :
Attorney Docket No. 11.005 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 22, 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 July 7, 2011 as required by the Notice of Allowance and Fee(s) Due, mailed April 7, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 8, 2011. A Notice of Abandonment was mailed on July 25, 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).

A terminal disclaimer and the \$140 terminal disclaimer fee is required under 37 CFR 1.137(d) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120,

121 or 365(c) to the application for which revival is sought. A blank copy of the required terminal disclaimer accompanies 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) 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

Attachment: Blank Copy of Terminal Disclaimer Form PTO/SB/63



UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDER D. RARING
HAMILTON BEACH BRANDS, INC.
4421 WATERFRONT DRIVE
GLEN ALLEN, VA 23060

MAILED

SEP 09 2011

OFFICE OF PETITIONS

In re Application of :
Charles Young Choi, et al. :
Application No. 29/384,173 : DECISION ON PETITION
Filed: January 27, 2011 :
Attorney Docket No. 11.005 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 1, 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 7, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 7, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 8, 2011. A Notice of Abandonment was mailed on July 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 the \$860 issue fee, (2) the petition fee of \$1620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

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.

A handwritten signature in cursive script, appearing to read 'April M. Wise'.

April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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**B.Y.I.P. LTD.
P.O. Box 1484
General Post Office
Hong Kong 00000 HK HONG KONG**

**MAILED
MAR 15 2011
OFFICE OF PETITIONS**

In re Application of :
Lung Wai Choi :
Application No. 29/384,349 : **DECISION ON PETITION**
Filed: January 31, 2011 : **TO MAKE SPECIAL UNDER**
Attorney Docket No. GDW-1103-USDS : **37 CFR 1.102(c)(1)**
:

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

The petition is **GRANTED**.

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

The instant petition includes a statement from the attorney of record declaring that he/she is in possession of such evidence that shows the applicant is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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Law Office of Houda El-Jarrah
P.O. BOX 27087
Houston, TX 77227

MAILED

NOV 14 2011

OFFICE OF PETITIONS

In re Application of
Ahmed Deyaf
Application No. 29/384,643
Filed: February 2, 2011
Attorney Docket No. 110102

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed September 12, 2011, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.137(b) filed on September 23, 2011.

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

The above application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due/Notice of Allowability (Notices) mailed April 5, 2011. A Notice of Abandonment was mailed on July 20, 2011.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed;¹ (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 lacks item (3) above.

With respect to item (3), petitioner argues that the attorney "...failed to notify the inventor and owner of this application of the Notice of Allowance of April 4, 2011. Furthermore, Mr. Miller never replied to the Notice of Allowance and never provided the necessary issue fee to avoid abandonment."

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.

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 present².

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.

Additionally, petitioner should note that the USPTO must rely on the action or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962). 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 USC 133 or 37 CFR 1.137(a). Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (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).

While 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), petitioner may have relief under the unintentional provisions of 37 CFR 1.137(b). Accordingly, the petition under 37 CFR 1.137(b) filed on September 23, 2011, is hereby **GRANTED**.

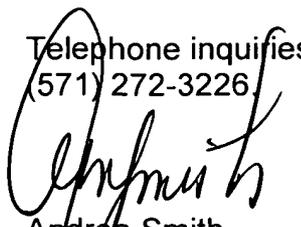
It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

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).

The terminal disclaimer under 37 CFR 1.137(d), filed on September 12, 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 Andrea Smith at (571) 272-3226



Andrea Smith
Petitions Examiner
Office of Petitions.



David Bucci
Petitions Examiner



BROWDY AND NEIMARK, PLLC
1625 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED
JUN 09 2011
OFFICE OF PETITIONS

In re Application of :
Junji Miyahsita : **DECISION ON PETITION**
Application No. 29/384,652 :
Filed: February 2, 2011 :
Attorney Docket No. **22592-005** :

This is a decision on the PETITION UNDER 37 CFR §1.57 (a) TO ADD INADVERTENTLY OMITTED ITEMS filed March 8, 2011 under 37 CFR 1.57.

Applicants argue that upon filing, the present application claimed the benefit of two Japanese priority applications but not all of the figures (Figures 7-12) in these two Japanese priority applications were included in the filing. With the inclusion of the previously omitted drawing figures, the instant petition was filed requesting that the above-referenced application be permitted to retain the filing date of February 2, 2011, relying on 37 CFR 1.57.

37 CFR 1.57(a) provides:

[I]f all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 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 for priority or benefit shall be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawings. MPEP 201.17.

Therefore, if a continuation, divisional, or continuation-in-part application, as originally filed on or after September 21, 2004, does not include an explicit incorporation by reference statement in the specification, and is entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), an applicant may be permitted to add the omitted material by filing an amendment under 37 CFR 1.57(a) within the time period set by the Office. See 37 CFR 1.57(a)(1) and MPEP 201.06(c)(IV).

A review of the record indicates that this is not a filing date question properly treated under 37 CFR 1.57. A filing date has been accorded and the filing date is not in dispute. Further, since the priority claim was timely, neither 37 CFR 1.78 and 37 CFR 1.55 are not relevant in this matter.

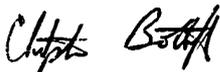
The originally filed drawings constitute the original disclosure of the application. The amendment and drawings filed with the instant petition will be referred to the Examiner for consideration of the drawings as new matter. See 35 U.S.C. 132(a) and MPEP 706.03(o).

Accordingly, the present petition is unnecessary to effectuate applicants' request, and therefore, is **DISMISSED**.

In view of the fact that the petition was not necessitated by an error on the part of this Office, the fee in the amount of \$400.00 for filing the present petition has been applied to the finance records for this application and cannot therefore be refunded.

This matter is being referred to Technology Center 2913 for examination in due course.

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



Christopher Bottorff
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON TX 77002-3095

MAILED
JUL 27 2011
OFFICE OF PETITIONS

In re Application of :
Paul F. Wagner :
Application No. 29/384,684 : **DECISION ON PETITION**
Filed: February 2, 2011 :
Attorney Docket No. 0021934-057US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 11, 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 June 28, 2011, as required by the Notice of Allowance and Fee(s) Due mailed March 28, 2011. Accordingly, the date of abandonment of this application is June 29, 2011. A Notice of Abandonment was mailed July 15, 2011.

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.

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 is reminded that since petitioner is not currently power of attorney the required terminal disclaimer may not be signed by Monte R. Rhodes.

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

LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON TX 77002-3095

MAILED

SEP 07 2011

OFFICE OF PETITIONS

In re Application of :
Paul F. Wagner :
Application No. 29/384,684 : **DECISION ON PETITION**
Filed: February 2, 2011 :
Attorney Docket No. 0021934-057US :

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

This application became abandoned for failure to timely pay the issue fee on or before June 28, 2011, as required by the Notice of Allowance and Fee(s) Due mailed March 28, 2011. Accordingly, the date of abandonment of this application is June 29, 2011. A Notice of Abandonment was mailed July 15, 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 PTO/SB/63 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.

Petitioner has failed to submit a proper terminal disclaimer and fee.

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



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LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON TX 77002-3095

MAILED

OCT 07 2011

OFFICE OF PETITIONS

In re Application of :
Paul F. Wagner :
Application No. 29/384,684 : **DECISION ON PETITION**
Filed: February 2, 2011 :
Attorney Docket No. 0021934-057US :

This is a decision on the second renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 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 June 28, 2011, as required by the Notice of Allowance and Fee(s) Due mailed March 28, 2011. Accordingly, the date of abandonment of this application is June 29, 2011. A Notice of Abandonment was mailed July 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 \$430.00 (previously submitted July 11, 2011), (2) the petition fee of \$810.00 (previously submitted July 11, 2011); (3) a proper statement of unintentional delay; and (4) a Terminal Disclaimer and fee of \$70.00.

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

Additionally, petitioner has submitted an unnecessary duplicate \$810.00 petition fee on August 25, 2011 and September 20, 2011. These fees will be refunded to petitioner's deposit account 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/
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

TIMOTHY T. TYSON
LAW OFFICES OF LEON D. ROSEN & ASSOCIATES, P.C.
10960 WILSHIRE BLVD.
SUITE 1220
LOS ANGELES, CA 90024-3714

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Leon Perlsweig	:	
Application No. 29/384,712	:	DECISION ON PETITION
Filed: February 3, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 10/136	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 3, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from inventor Leon Perlsweig stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This matter is being referred to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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 :
Anthony Kriz :
Application No. 29/384,776 : **NOTICE**
Filed: February 3, 2011 :
Attorney Docket No. 17157-0018-6 :

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
Alexandria, VA 22313-1450
www.uspto.gov

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 :
Mark Holtan :
Application No. 29/384,782 : **NOTICE**
Filed: February 3, 2011 :
Attorney Docket No. 17157-0035 :

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
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
John Buck

:
:

Application No. 29384818

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

Filed:

:

Attorney Docket No. 6634-1101

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 04-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of :
King, et al. : **DECISION ON PETITION**
Application No. 29/384,871 :
Filed/Deposited: 4 February, 2011 :
Attorney Docket No. PC-001-DES :

This is a decision on the petition filed on 13 July, 2011, pursuant to 37 C.F.R. §1.47.

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 4 February, 2011, without, *inter alia*, a fully executed oath/declaration

On 18 February, 2011, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

Application No. 29/384,871

On 15 April, 2011, Petitioner Timothy J. Maier (reg No. 51,986) submitted an incomplete reply.

On 21 April, 2011, the Office mailed a Notice of Incomplete Reply.

On 13 July, 2011, Petitioner filed, *inter alia*, a petition (with fee) pursuant to the regulations at 37 C.F.R. §1.47, with an oath/declaration executed by co-inventor Mr. King for himself and on behalf of non-signing co-inventor David Harbinson (Mr. Harbinson), with a statement by Petitioner and foreign Counsel Darren Mitchell (Mr. Mitchell) attesting to the attachment of a correspondence that evidences transmission of the entire application (description, claims, abstract, drawings) to Mr. Mr. Harbinson at an address believed upon diligent inquiry to be valid/current/reasonably believed to be last known address for the non-signing inventor and received by the nonsigning inventor and that thereafter Mr. Mitchell confirmed by telephone Mr. Harbinson's receipt of the papers and thereafter Mr. Harbinson failed to answer and so constructively refused to sign.

Therefore, it appears that Petitioner provided a showing satisfying the requirements under the Rule to wit: showing/proof that the non-signing inventor actually and/or constructively refused to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor could not be found/refused to sign after diligent effort.

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

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).

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), 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 instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) 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

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID HARBINSON
23 MUNNROSE CLOSE
KEGWORTH,
DERBYSHIRE DE7 4RJ
UNITED KINGDOM

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of :
King, et al. : CORRESPONDENCE
Application No. 29/384,871 :
Filed/Deposited: 4 February, 2011 :
Attorney Docket No. PC-001-DES :

Dear David Harbinson:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §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 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

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).

Application No. 29/384,871

Telephone inquiries regarding this communication 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. §1.2¹) 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/your action(s) and/or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt



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MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of :
King et al. :
Application No. 29/384,871 :
Filed: February 4, 2011 :
Attorney Docket No. PC-001-DES :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed January 24, 2012.

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(c) 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) 272-3230.

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
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In re Application of
Mohammed Hadi

:
:

Application No. 29384873

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

Filed:

:

Attorney Docket No. FG-MFP-1004

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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

In re Application of
Mohammed Hadi

:
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Application No. 29384875

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

Filed:

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Attorney Docket No. FG-MFP-983

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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In re Application of
Mohammed Hadi

:
:

Application No. 29384888

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

Filed:

:

Attorney Docket No. FG-MFP-638

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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In re Application of
Mohammed Hadi

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Application No. 29384890

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

Filed:

:

Attorney Docket No. FG-MFP-614

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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In re Application of
Mohammed Hadi

:
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Application No. 29384892

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

Filed:

:

Attorney Docket No. FG-MFP-513

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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In re Application of
Mohammed Hadi

:
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Application No. 29384896

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

Filed:

:

Attorney Docket No. FG-MF-329

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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In re Application of
Mohammed Hadi

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Application No. 29384898

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

Filed:

:

Attorney Docket No. FG-MF-575

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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In re Application of
Mohammed Hadi

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:

Application No. 29384900

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

Filed:

:

Attorney Docket No. FG-MF-764

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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In re Application of
Mohammed Hadi

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:

Application No. 29384901

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

Filed:

:

Attorney Docket No. FG-MFP-116

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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MONTGOMERY PATENT AND DESIGN, LLC
375 SOUTHPOINTE BLVD., SUITE 100-110
CANONSBURG, PA 15317

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MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
Dubois et al. :
Application No. 29/384,984 :
Filed: February 7, 2011 :
Attorney Docket No. JTY-111210SAI-4 :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 7, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2916 for action on the merits commensurate with this decision.


Alicia Kelley
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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In re Application of
Mohammed Hadi

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Application No. 29385022

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

Filed:

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Attorney Docket No. FG-MFP-235

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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In re Application of
Mohammed Hadi

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Application No. 29385026

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

Filed:

:

Attorney Docket No. FG-MFP-639

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29/385,027	Confirmation Number	7491	Filing Date	2011-02-08
Attorney Docket Number (optional)	FG-MF-1101	Art Unit		Examiner	
First Named Inventor	Mohammed Hadi				
Title of Invention	FOUNTAIN Menniti				
<p>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 <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>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.</p> <p>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.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
Mohammed	n/a	Hadi			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input checked="" type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input type="radio"/> (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.</p>					
Signature	/mohammed h adi/	Date (YYYY-MM-DD)	2011-02-09		
Name	Mohammed Hadi				

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 Freedom 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 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 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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In re Application of
Mohammed Hadi

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:

Application No. 29385027

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

Filed:

:

Attorney Docket No. FG-MF-1101

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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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 :
Brent Christopher :
Application No. 29/385,051 : **NOTICE**
Filed: February 8, 2011 :
Attorney Docket No. 17157-0036 :

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



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

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NOV 02 2011

OFFICE OF PETITIONS

In Re application of :
Chihiro Tsukamoto et al. :
Application No. 29/385,057 :
Filed: February 8, 2011 :
Attorney Docket No. 3088.018US1 :

ON PETITION

This is in response to applicants' Petition to Retrieve A Previously Filed Certified Copy of Priority Document, filed September 9, 2011.

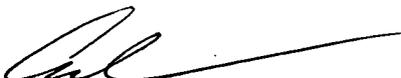
The petition is **granted** to the extent indicated.

Petitioner requests that the certified copy of Japanese Application No. 2010-019610, filed April 8, 2011 be transferred to the above identified filed. This document had erroneously been filed in application SN 12/755,258. Office records show that the priority document has been made part of application SN 29/385,057 with a filing date of April 12, 2011 (Certificate of mail date April 8, 2011).

Petitioner also requests that an official notification be issued in this application that the certified copy of the above noted Japanese Application has been received and accepted in the instant application and that the requirements for filing a certified copy of the priority document have been met. This decision constitutes an acknowledgement that the priority document has been received in this application. Determination as to the acceptability of the priority document will be determined by the Patent Examiner of record.

This application is being forwarded to Technology Center Art unit 2917 for consideration of the Japanese priority document.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.


Carl Friedman
Petitions Examiner
Office of Petitions



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BEESON SKINNER BEVERLY, LLP
ONE KAISER PLAZA
SUITE 750
OAKLAND CA 94612

MAILED

MAR 08 2012

OFFICE OF PETITIONS

In re Application of :
Janky, et al. :
Application No. 29/385,311 : DECISION
Filed/Deposited: 11 February, 2011 :
Attorney Docket No. D205-059A-D :

This is a decision on the petition filed This is a decision on the papers filed on 4 January, 2012, 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 (drawings requirement) mailed on 9 August, 2011, with reply due under a non-extendable deadline on or before 9 November, 2011.

The application went abandoned by operation of law after midnight 9 November, 2011.

Application No. 29/385,311

The Office mailed the Notice of Abandonment on 22 November, 2011.

On 4 January, 2012, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of drawings and the statement of unintentional delay with a terminal disclaimer and fee

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).

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.

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.))

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

As to Allegations of Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing 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**.

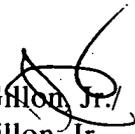
The instant application is released to the Publications Branch to be processed into a patent in due course.

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.

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).

Application No. 29/385,311

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. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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BEESON SKINNER BEVERLY, LLP
ONE KAISER PLAZA
SUITE 750
OAKLAND CA 94612

MAILED

MAR 08 2012

OFFICE OF PETITIONS

In re Application of :
Janky, et al. :
Application No. 29/385,353 : **DECISION**
Filed/Deposited: 11 February, 2011 :
Attorney Docket No. D205-059.B-D :

This is a decision on the petition filed This is a decision on the papers filed on 4 January, 2012, 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 (drawings requirement) mailed on 1 August, 2011, with reply due under a non-extendable deadline on or before 1 November, 2011.

The application went abandoned by operation of law after midnight 1 November, 2011.

Application No. 29/385,353

The Office mailed the Notice of Abandonment on 14 November, 2011.

On 4 January, 2012, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of drawings and the statement of unintentional delay with a terminal disclaimer and fee

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).

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.

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.)

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

As to Allegations of Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing 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**.

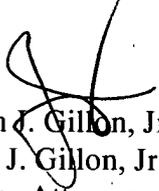
The instant application is released to the Publications Branch to be processed into a patent in due course.

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.

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).

Application No. 29/385,353

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. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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SALT LAKE CITY UT 84111

MAILED

DEC 09 2011

OFFICE OF PETITIONS

In re Application of :
Judy, et al. : **DECISION ON PETITION**
Application No. 29/385,544 :
Filed/Deposited: 15 February, 2011 :
Attorney Docket No.: 32924/31 :

This is a decision on the petition filed on 5 October, 2011, supplemented on 23 November, 2011, pursuant to 37 C.F.R. §1.47.

NOTE:

The record indicates that Petitioner has placed virtually all of the factual statement over the signature of another—whose status as a registered practitioner is unstated and, therefore, whose appreciation of the Rules of Practice and the duties of one submitting matters to the Office is unknown.

As a result, the Office construed Petitioner’s submission to state implicitly that Petitioner made an independent inquiry—consistent with his duties in practice before the Office—to ensure his professional satisfaction as to the accuracy of the representations in the statement submitted by Petitioner.

*If Petitioner did not personally and independently make such an inquiry, Petitioner **must** now do so.*

*Should Petitioner’s inquiry suggest that his earlier submitted representation in this regard could not be construed as stated above, Petitioner **must** immediately so Notice the Office.*

Application No. 29/385,544

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 15 February, 2011.

On 12 July, 2011, the Examiner mailed the Notice of Allowance, with a non-extendable deadline on or before 12 October, 2011.

On 16 August, 2011, the Examiner set forth in a supplemental Notice of Allowance a requirement for a new oath/declaration—no new date was set for the reply.

On 5 October, 2011, Petitioner Kory D. Christensen (Reg. No. 43,548) filed, *inter alia*, a petition, fee, pursuant to the regulations at 37 C.F.R. §1.47, and a copy of an oath/declaration previously executed (December 2009), which oath/declaration Petitioner stated previously was submitted in another application and Petitioner in fact previously submitted on deposit of the instant application—and in response to which oath/declaration the Examiner mailed the 16 August, 2011, requirement. Thus, the Office of Petitions notes for the record the following delay in satisfying the reply: The record indicates that on 23 November, 2011, Petitioner submitted the oath/declaration executed by co-inventors Judy, Petruzzelli, Rajagopalan, Eaton, Hebert and Fidacaro for themselves and on behalf of non-signing inventor Sondra Kaufman (Ms. Kaufman). Petitioner evidenced transmittal with the statement of Cadathur Rajagopalan in support of events set forth and including Email transmission of the entire application—description, claims, abstract and drawings. As previously noted, The record indicates that Petitioner has placed virtually all of the factual statement over the signature of another—whose status as a registered practitioner is unstated and, therefore, whose appreciation of the Rules of Practice and the duties of one submitting matters to the Office is unknown. As a result, the Office construed Petitioner's submission to state implicitly that Petitioner made an independent inquiry—consistent with his

Application No. 29/385,544

duties in practice before the Office—to ensure his professional satisfaction as to the accuracy of the representations in the statement submitted by Petitioner. If Petitioner did not personally and independently make such an inquiry, Petitioner **must** now do so. Should Petitioner's inquiry suggest that his earlier submitted representation in this regard could not be construed as stated above, Petitioner **must** immediately so Notice the Office. Petitioner further averred that Ms. Kaufman expressly refused to sign/join in the oath/declaration and application. Thus, Petitioner sought to comply with and complete the requirements—to wit: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor could not be found/refused to sign after diligent effort.

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

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), 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 instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

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).

Application No. 29/385,544

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. §1.2²) 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

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of 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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SONDRA KAUFMAN
24 WOODS ROAD
RAMSEY, NJ 07446

MAILED

DEC 09 2011

OFFICE OF PETITIONS

In re Application of :
Judy, et al. : **COMMUNICATION**
Application No. 29/385,544 :
Filed/Deposited: 15 February, 2011 :
Attorney Docket No.: 32924/31 :

Dear Sondra Kaufman:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §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 C.F.R. §1.63.

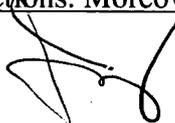
Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

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).

Application No. 29/385,544

Telephone inquiries regarding this communication 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. §1.2¹) 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/your action(s) and/or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
MINDRAY DS USA, INC
C/O STOEL RIVES LLP
201 S. MAIN STREET, SUITE 1100
SALT LAKE CITY UT 84111

¹ The regulations at 37 C.F.R. §1.2 provide:

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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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Mindray DS USA, Inc. c/o Steel Rives LLP
201 S. Main Street, Suite 1100
Salt Lake City UT 84111

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of :
JUDY et al. : DECISION REFUSING STATUS
Application No. 29/385,545 : UNDER 37 CFR 1.47(a)
Filed: 02/15/2011 :
Attorney Docket No. 32924/32 :
Title: PATIENT MONITOR WITH :
PORTRAIT-ORIENTED USER INTERFACE :

This is in response to the petition under 37 CFR 1.47(a) filed October 5, 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 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 item (2) set forth above.

A newly executed oath or declaration in compliance with 37 CFR 1.63(e) was not located among the papers submitted with the present petition. Pursuant to 37 CFR 1.63(e), "A newly executed

oath or declaration must be filed in any continuation-in-part application, which application may name all, more, or fewer than all of the inventors named in the prior application.”

Applicant has shown that Sondra Kaufman expressly refuses to sign the declaration and join in the application. Therefore, the available joint inventors must make a new declaration on their own behalf as required by 37 CFR 1.63 and on behalf of the non-signing joint inventor, Sondra Kaufman, as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor left blank may be treated as having been signed by all the available joint inventors on behalf of the non-signing inventor.

No additional fee is required for filing a renewed petition under 37 CFR 1.47(a).

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

Correspondence may also be submitted electronically to the USPTO.

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

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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

Mindray DS USA, Inc. c/o Stoel Rives LLP
201 S. Main Street, Suite 1100
Salt Lake City UT 84111

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Application of :
JUDY et al. : DECISION GRANTING STATUS
Application No. 29/385,545 : UNDER 37 CFR 1.47(a)
Filed: 02/15/2011 :
Attorney Docket No. 32924/32 :
Title: PATIENT MONITOR WITH :
PORTRAIT-ORIENTED USER INTERFACE :

This is in response to the renewed petition under 37 CFR 1.47(a) filed November 23, 2011.

The petition is GRANTED.

Applicant has shown that Sondra Kaufman expressly refuses to sign the declaration and join in the application. Additionally, applicant submitted a declaration signed by the available joint inventors on their own behalf as required by 37 CFR 1.63 and on behalf of the non-signing joint inventor, Sondra Kaufman, as required by 37 CFR 1.64.

The above-identified application and papers have been reviewed and are found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified 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 last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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In re Application of	:	
JUDY et al.	:	
Application No. 29/385,545	:	LETTER
Filed: 02/15/2011	:	
Attorney Docket No. 32924/32	:	
Title: PATIENT MONITOR WITH PORTRAIT-	:	
ORIENTED USER INTERFACE	:	

Dear Ms. Kaufman:

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

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

Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. 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 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Mindray DS USA, Inc. c/o Stoel Rives LLP
201 S. Main Street, Suite 1100
Salt Lake City UT 84111



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mindray DS USA, Inc. c/o Stoel Rives LLP
201 S. Main Street, Suite 1100
Salt Lake City UT 84111

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of :
JUDY et al. : DECISION REFUSING STATUS
Application No. 29/385,546 : UNDER 37 CFR 1.47(a)
Filed: 02/15/2011 :
Attorney Docket No. 32924/33 :
Title: PATIENT MONITOR WITH USER :
INTERFACE :

This is in response to the petition under 37 CFR 1.47(a) filed October 5, 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 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 item (2) set forth above.

A newly executed oath or declaration in compliance with 37 CFR 1.63(e) was not located among the papers submitted with the present petition. Pursuant to 37 CFR 1.63(e), "A newly executed

oath or declaration must be filed in any continuation-in-part application, which application may name all, more, or fewer than all of the inventors named in the prior application.”

Applicant has shown that Sondra Kaufman expressly refuses to sign the declaration and join in the application. Therefore, the available joint inventors must make a new declaration on their own behalf as required by 37 CFR 1.63 and on behalf of the non-signing joint inventor, Sondra Kaufman, as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor left blank may be treated as having been signed by all the available joint inventors on behalf of the non-signing inventor.

No additional fee is required for filing a renewed petition under 37 CFR 1.47(a).

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

Correspondence may also be submitted electronically to the USPTO.

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

Mindray DS USA, Inc. c/o Stoel Rives LLP
201 S. Main Street, Suite 1100
Salt Lake City UT 84111

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Application of	:	
JUDY et al.	:	DECISION GRANTING STATUS
Application No. 29/385,546	:	UNDER 37 CFR 1.47(a)
Filed: 02/15/2011	:	
Attorney Docket No. 32924/33	:	
Title: PATIENT MONITOR WITH USER	:	
INTERFACE	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed November 23, 2011.

The petition is GRANTED.

Applicant has shown that Sondra Kaufman expressly refuses to sign the declaration and join in the application. Additionally, applicant submitted a declaration signed by the available joint inventors on their own behalf as required by 37 CFR 1.63 and on behalf of the non-signing joint inventor, Sondra Kaufman, as required by 37 CFR 1.64.

The above-identified application and papers have been reviewed and are found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified 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 last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

C. P. 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

Sondra Kaufman
24 Woods Road
Ramsey, NJ 07446

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Application of	:
JUDY et al.	:
Application No. 29/385,546	:
Filed: 02/15/2011	:
Attorney Docket No. 32924/33	:
Title: PATIENT MONITOR WITH USER	:
INTERFACE	:

LETTER

Dear Ms. Kaufman:

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

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

Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. 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 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

C. P. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Mindray DS USA, Inc. c/o Stoel Rives LLP
201 S. Main Street, Suite 1100
Salt Lake City UT 84111



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

In re Application of
Bela Elek

:
:

Application No. 29385562

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

Filed:

:

Attorney Docket No. FRIEL-169 (152*409)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 16-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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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

DEC 20 2011

OFFICE OF PETITIONS

In re Application of: :
Xiao Chen et al. :
Application No. 29/385,589 : **NOTICE**
Filed: February 16, 2011 :
Attorney Docket No. 17157-0041 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 17, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to the Office of Publications.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions



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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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Decision Date : August 19,2011

In re Application of :

Charles Morris

Application No : 29385602

Filed : 16-Feb-2011

Attorney Docket No : CM-1

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 19,2011

The request is **APPROVED**.

The request was signed by Andrew McAleavey (registration no. 50535) on behalf of all attorneys/agents associated with Customer Number 52447 . All attorneys/agents associated with Customer Number 52447 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 Charles B. Morris, Jr.
Name2
Address 1 250 Scenic Avenue
Address 2
City San Anselmo
State CA
Postal Code 94960
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		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		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	29385602	
Filing Date	16-Feb-2011	
First Named Inventor	Charles Morris	
Art Unit	2912	
Examiner Name	MITCHELL SIEGEL	
Attorney Docket Number	CM-1	
Title	Golf Club Cleaning Device	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		52447
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> 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	Charles B. Morris, Jr.	
Address	250 Scenic Avenue	
City	San Anselmo	
State	CA	
Postal Code	94960	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Andrew McAleavey/
Name	Andrew McAleavey
Registration Number	50535

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29/385,620	Confirmation Number	1169	Filing Date	2011-02-17
Attorney Docket Number (optional)	213/2 DES	Art Unit	2916	Examiner	WALLACE, TERRY A
First Named Inventor	David Roth				
Title of Invention	Spice Rack				
<p>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 <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>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.</p> <p>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.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name		Suffix	
David		Roth			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/Justin R. Nifong/		Date (YYYY-MM-DD)	2011-07-12	
Name	Justin R. Nifong		Registration Number	59389	

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 Freedom 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 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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www.uspto.gov

In re Application of
David Roth

:
:

Application No. 29385620

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

Filed: February 17, 2011

:

Attorney Docket No. 213/2 DES

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 12-JUL-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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**OLIVE LAW GROUP, PLLC
125 EDINBURGH SOUTH DRIVE, SUITE 100
CARY NC 27511**

**MAILED
JUL 19 2011
OFFICE OF PETITIONS**

In re Application of	:	
David Roth	:	
Application No. 29/385,620	:	DECISION ON PETITION
Filed: February 17, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 213/2 DES	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 21, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the attorney of record declaring that he/she is in possession of such evidence that proves the applicant is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2916 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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	29385776	Confirmation Number	3934	Filing Date	2011-02-18
Attorney Docket Number (optional)	9884061	Art Unit		Examiner	
First Named Inventor	Frank L. Calvin				
Title of Invention	SET OF EXERCISE FIXTURES				

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
Frank	L. R.	Calvin	

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)	2011-02-22
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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In re Application of
Frank L. Calvin

:
:

Application No. 29385776

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

Filed:

:

Attorney Docket No. 9884061

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 22-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

MAILED
AUG 26 2011
OFFICE OF PETITIONS

In re Application of :
Stollo, et al. :
Application No. 29/385,785 : DECISION ON PETITION
Filed: February 18, 2011 :
Attorney Docket No. PA5157US :

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed August 18, 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)." No further petition fee is due for a renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely file corrected drawings in response to the Notice of Allowability, mailed April 27, 2011. This Notice set a statutory period for reply of three (3) months. No drawings having been received, the application became abandoned on July 28, 2011. A Notice of Abandonment was mailed on August 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).

The instant petition lacks item (4). The instant application is a design application, and accordingly requires a terminal disclaimer and accompanying fee. See 37 CFR 1.137(d).

Receipt of the \$810 petition fee is acknowledged. No additional petition fee is due on renewed petition.

Further correspondence concerning this application 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 decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

MAILED
OCT 11 2011
OFFICE OF PETITIONS

In re Application of :
Stollo, et al. :
Application No. 29/385,785 : DECISION ON PETITION
Filed: February 18, 2011 :
Attorney Docket No. PA5157US :

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed September 26, 2011.

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 April 27, 2011. This Notice set a statutory period for reply of three (3) months. No drawings having been received, the application became abandoned on July 28, 2011. A Notice of Abandonment was mailed on August 11, 2011. Applicants filed a petition to revive under 37 CFR 1.137(b) on August 18, 2011. However, the petition was dismissed in a decision mailed on August 26, 2011. The petition was dismissed because applicants did not submit the required Terminal Disclaimer.

With the instant renewed petition, applicants have stated that they filed a Terminal Disclaimer on September 21, 2011. The other requirements for a grantable petition were previously met with the petition filed on August 18, 2011.

Application No. 29/385,785

Page 2

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.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

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
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In re Application of
Bela Elek

:
:

Application No. 29385814

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

Filed:

:

Attorney Docket No. FRIEL-170 (152*410)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 21-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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September 28, 2011

Thomas W. Cole
Roberts Mlotkowski Safran & Cole, P.C.
P.O. Box 10064
McLean, VA 22102

Patent No. : D643,765 S
Appl. No. : 29/385,939
Inventor(s) : Alex Huang, et al.
Issued : August 23, 2011
Title : LED EMERGENCY LIGHT
Docket No. : 744045.3

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A petition to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.117(h) (currently \$130);**
- B.** a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C.** a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

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

By fax: (571) 273-8300
 ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460

vt



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ROBERTS MLOTKOWSKI SAFRAN & COLE PC
INTELLECTUAL PROPERTY DEPARTMENT
PO BOX 10064
MCLEAN VA 22102-8064

MAILED

NOV 15 2011

OFFICE OF PETITIONS

In re Patent No. D643765 :
Issue Date: August 23, 2011 :
Application No. 29/385,939 : DECISION ON PETITION
Filed: February 23, 2011 :
Attorney Docket No. 744045.3 :

This is a decision on the petition under 37 CFR 3.81(b), filed November 1, 2011.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.¹ However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

(A) the processing fee required by 37 CFR 1.17(i);

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

¹ See 37 CFR 3.81.

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).²

Receipt of the \$130 processing fee and the \$100 fee for the Certificate of Correction is acknowledged.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

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



Cliff Congo
Petitions Attorney
Office of Petitions

² MPEP 307.



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P.O. Box 1450
Alexandria, VA 22313-1450
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**HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086**

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :
Chun-Ting WU et al. :
Application No. 29/386,130 : **NOTICE UNDER 37 CFR. 1.28(c)**
Filed: February 24, 2011 :
Attorney Docket No. **FLEX-07700** :

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 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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of :
Amandine Consorti :
Application No. 29/386,177 : **DECISION ON PETITION**
Filed: February 25, 2011 :
Attorney Docket No. 101703-0007D :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 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 on April 28, 2011, which set a period for reply of three (3) months. Accordingly, the application became abandoned on July 29, 2011. A Notice of Abandonment was mailed on August 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 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



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Commissioner for Patents
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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
NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
Brent Christopher :
Application No. 29/386,221 :
Filed: February 25, 2011 :
Attorney Docket No. 17157-0026 :

NOTICE

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



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KEVIN J. MCNEELY, ESQ.
5335 WISCONSON AVENUE, NW
SUITE 440
WASHINGTON DC 20015

MAILED

SEP 27 2011

OFFICE OF PETITIONS

In re Application of :
Foo :
Application No. 29/386,278 : NOTICE
Filed: February 26, 2011 :
Attorney Docket No. WNPG.2501.D023 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed September 9, 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) 272-3230.

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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IPxLAW Group LLP
95 South Market Street
Suite 570
San Jose CA 95113

MAILED

NOV 23 2011

OFFICE OF PETITIONS

In re Application of :
Po-Jung Hsu :
Application No. 29/386,300 : **DECISION ON PETITION**
Filed: February 28, 2011 :
Attorney Docket No. WAGAN-030P :

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

This application became abandoned for failure to timely pay the issue fee on or before October 17, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 15, 2011. Accordingly, the date of abandonment of this application is October 18, 2011. A Notice of Abandonment was mailed on November 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/\$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).

The petition and issue fees were paid at the small entity rate. This application was filed as a non-small entity. If the status of this case has changed, then a written assertion must be made by way of a petition under 1.28(c). However, if the status has not changed then all fees must be paid as a large entity.

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

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

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

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

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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IPxLAW Group LLP
2901 Moorpark Avenue
Suite 255
San Jose CA 95128

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of :
Po-Jung Hsu :
Application No. 29/386,300 : **DECISION ON PETITION**
Filed: February 28, 2011 :
Attorney Docket No. WAGAN-030P :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 13, 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 October 17, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 15, 2011. Accordingly, the date of abandonment of this application is October 18, 2011. A Notice of Abandonment was mailed on November 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 \$495, ((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 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



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EURO-PRO OPERATING LLC
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

NOV 15 2011

OFFICE OF PETITIONS

In re Application of :
Amy Tinnell BRINCKERHOFF, et al. :
Application No. 29/386,556 :
Filed : March 2, 2011 :
Attorney Docket No. E0465.70162US00 :

DECISION ON PETITION

This is in response to the renewed petition under 37 CFR 1.59(b), filed September 12, 2011, to expunge information submitted under MPEP 724.05(II).

The petition is **DISMISSED AS MOOT**.

Petitioner asserts that the Issue fee payment documents associated with Application No. 29/386,554 were mistakenly e-filed using the application serial number of the present Application on August 3, 2011. Petitioner requests that it be expunged from the record.

MPEP 502 states:

A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number.

MPEP 724.05 (III) states:

Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

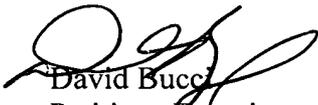
The papers intended for Application Serial No. 29/386,554 were received in application Serial No. 29/386,556 on August 8, 2011. They were filed by EFS-Web with an incorrect Application number (29/386,556), however, they were filed with the correct application number, attorney docket number, title of invention, and inventor's name. Accordingly, the papers provided enough identifying indicia for the Office to transfer the papers to the correct application file.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the information that was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

In view of the above, the papers filed August 3, 2011 referring to application Serial No. 29/386,554, having already been filed in the correct application are closed and removed from the listing of "Public[ly available] Documents."

Telephone inquiries regarding this decision should be directed to Joanne Hama, at 571-272-2911, or in her absence, David Bucci at (571) 272-7099.

The application file is being referred to Technology Center AU 2913 for further processing


David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
John S. Buck

:
:

Application No. 29386739

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

Filed:

:

Attorney Docket No. 6634-1102

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 04-MAR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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LAW OFFICE OF ERIC B. ALSPAUGH
26895 ALISO CREEK ROAD SUITE B 223
ALISO VIEJO CA 92656

MAILED

NOV 09 2011

OFFICE OF PETITIONS

In re Application of :
Hodges, Francisco J. :
Application No. 29/387,120 : ON PETITION
Filed: March 9, 2011 :
Attorney Docket No. 173US03D :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 24, 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 payment of the \$495.00 issue fee; (2) the petition fee of \$930.00; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and \$80.00 fee.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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KF ROSS PC
311 East York Street
Savannah GA 31401

MAILED

SEP 21 2011

OFFICE OF PETITIONS

In re Application of :
Baumann :
Application No. 29/387,307 : DECISION ON PETITION
Filed: March 11, 2011 : UNDER 37 CFR 1.55(c)
Attorney Docket No. 30170 :

This is a decision on the petition under 37 CFR 1.55(c), filed September 14, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign Application No. EM 0017553906, filed September 13, 2010.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6))**;
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. Note, MPEP 201.14.

The Supplemental Application Data Sheet filed herewith is not acceptable as it fails to comply with 37 CFR 1.76(c)(2) and 1.33(b).

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

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 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
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www.uspto.gov

KF ROSS PC
311 East York Street
Savannah GA 31401

MAILED

SEP 30 2011

In re Application of : **OFFICE OF PETITIONS**
Baumann :
Application No. 29/387,307 : **DECISION ON PETITION**
Filed: March 11, 1011 : **UNDER 37 CFR 1.55(c)**
Attorney Docket No. 30170 :

This is a decision on the renewed petition under 37 CFR 1.55(c), filed September 27, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign Application No. EM 001753906, filed September 13, 2010.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed on March 11, 2011, which is after November 29, 2000 and within six months of September 13, 2010 (the filing date of the foreign application to which benefit is now being claimed). On September 27, 2011, a supplemental application data sheet which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of \$1,410.00 has been submitted. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application is being referred to Technology Center AU 2917 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3205.

/ALEZIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 29/387,307, 03/11/2011, 2917, 460, 30170, 1, 1

CONFIRMATION NO. 3564

CORRECTED FILING RECEIPT



535
KF ROSS PC
311 East York Street
Savannah, GA 31401

Date Mailed: 09/29/2011

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)

Hans BAUMANN, Sontheim/Brenz, GERMANY;

Power of Attorney:

Andrew Wilford--26597
Jonathan Myers--26963

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.)

EUROPEAN (EU) OFFICE FOR HARMONIZATION I 001753906 09/13/2010

If Required, Foreign Filing License Granted: 03/17/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 29/387,307

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

FOUR-JAW COLLET CHUCK

Preliminary Class

D08

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 Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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MIND LAW FIRM
2424 S.E. BRISTOL STREET
SUITE 300
NEWPORT BEACH, CA 92660

MAILED

JAN 04 2012

OFFICE OF PETITIONS

In re Application of :
Michael A. Saber, et. al. :
Application No. 29/387,480 : **DECISION ON PETITION**
Filed: March 14, 2011 :
Attorney Docket No. CHITV.11189 :

This is a decision on the petition under 37 CFR 1.181 (no fee) filed November 17, 2011, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **dismissed**.

The above application was held abandoned for failure to timely file a response to the Notice of Allowability mailed July 26, 2011. A Notice of Abandonment was mailed on November 10, 2011.

Petitioner requests "withdrawal of the abandonment and passage of the case to issuance with the four Replacement Sheets attached hereto as originally faxed on August 30, 2011."

The file record does not include the replacement drawings faxed on August 30, 2011, but a review of the evidence submitted on November 17, 2011, shows that the facsimile cover sheet reveals a statement by petitioner which states "Once more, I appreciate your willingness to review these corrected drawing figures before we file them so that we won't run into any issues getting the case to grant. Hopefully now all issues are addressed with this latest set, but please call me at 615-807-1963 with any further comments or to let me know that these latest Replacement Sheets look fine. Thank you!"

Petitioner is reminded that 37 CFR 1.2 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.

37 CFR 1.4(c) states "Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects."

Additionally, petitioner should note MPEP 502.01(I)(A) which states, "Effective December 1, 2003, all patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, with a few exceptions below. The central facsimile number is (571) 273-8300. Replies to Office actions including after-final amendments that are transmitted by facsimile must be directed to the central facsimile number.

**>Correspondence< such as draft proposed amendments for interviews may continue to be transmitted by facsimile to the Technology Centers (TCs) >and should be made of record as part of the interview summary record. See MPEP § 713.04<. Office personnel should not use their personal facsimile numbers for official application related correspondence. Office personnel that inadvertently receive official application related correspondence on a personal facsimile number must either route (do not forward) the correspondence to the official central facsimile number or they may, with applicant's (or applicant's representative) permission, make the facsimile amendment part of an examiner's amendment."

If petitioner wanted the replacement drawings to be made in the official file record of the USPTO, the correspondence should have been properly addressed and submitted by facsimile transmission to the Central Facsimile number of (571) 272-8300. Since the correspondence was not properly addressed to the correct area of the USPTO, the correspondence submitted on August 30, 2011, was considered to be an informal/courtesy copy for the examiner; and thus, was not made of record in the above application.

In view of the above, petitioner is encouraged to file a petition to revive under 37 CFR 1.137(b) along with the \$930 small entity petition fee or \$1,860 large entity 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). A blank petition under 37 CFR 1.137(b) is enclosed for petitioner's convenience.

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.

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

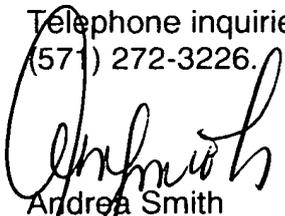
By mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

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, and documentation to this number should be addressed to the Office of Petitions.

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 once the renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(b) has been filed.

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



Andrea Smith
Petitions Examiner
Office of Petitions

Enclosures: Petition for Revival of an Application Abandoned Unintentionally Under 37 CFR 1.137(b) – Form No. PTO/SB/64
Privacy Act Statement



UNITED STATES PATENT AND TRADEMARK OFFICE

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MIND LAW FIRM
2424 S.E. BRISTOL STREET
SUITE 300
NEWPORT BEACH, CA 92660

MAILED

FEB 22 2012

OFFICE OF PETITIONS

In re Application of :
Michael A. Saber, et. al. :
Application No. 29/387,480 :
Filed: March 14, 2011 :
Attorney Docket No. CHITV.11189 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on January 10, 2012, to revive the above-identified application.

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 (4) above.

The Office acknowledges receipt of \$930 for treatment of the present petition, a terminal disclaimer with the \$80 fee, and four sheets of replacement drawings containing Figures 1-7 submitted on January 10, 2012. However, the terminal disclaimer is incomplete. In this regard, the terminal disclaimer does not list an owner and the percent of interest in the above-identified application. Therefore, the terminal disclaimer filed on January 10, 2012, cannot be accepted.

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 be accompanied by the replacement Terminal Disclaimer under 37 CFR 1.137(d)." This is not a final agency action within the meaning of 5 U.S.C. § 704. No further fees are 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.

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

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions



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2424 S.E. BRISTOL STREET
SUITE 300
NEWPORT BEACH, CA 92660

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of :
Michael A. Saber, et. al. :
Application No. 29/387,480 :
Filed: March 14, 2011 :
Attorney Docket No. CHITV.11189 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on March 1, 2012, to revive the above-identified application.

The renewed petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of four sheets of replacement drawings containing Figures 1-7; (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 **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed March 1, 2012, 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/
Andrea Smith
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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Calfee, Halter & Griswold LLP
The Calfee Building
1405 East Sixth Street
Cleveland OH 44114-1607

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Application of :
Wojtak : DECISION ON PETITION
Application No. 29/387,574 :
Filed: March 15, 2011 :
Atty. Dkt. No.: 27475/13382 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 18, 2012.

The petition is **GRANTED**.

The application became abandoned December 22, 2011 for failure to timely submit a proper reply in response to the Notice of Allowability ("Notice") mailed September 21, 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 January 9, 2012.

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

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

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
William R. Wemesfelder

:
:

Application No. 29388063

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

Filed:

:

Attorney Docket No. P-2188 DES

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 23-MAR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120307

DATE : March 7, 2012

TO SPE OF : ART UNIT 2917

SUBJECT : Request for Certificate of Correction on Patent No.: D646778

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



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ZIES WIDERMANN & 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. 29/388,300
Filed: March 28, 2011
Attorney Docket No.: 21.4543

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:

ON PETITION

This is a decision in response to the petition, filed January 12, 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 timely pay the issue fee on or before December 6, 2011, as required by the Notice of Allowance and Fee(s) Due mailed September 6, 2011. Accordingly, the application became abandoned on December 7, 2011. A Notice of Abandonment was subsequently mailed on December 20, 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 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 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 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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ABSOLUTE TECHNOLOGY LAW GROUP LLC
3316 W. Wisconsin Avenue
MILWAUKEE WI 53208

MAILED
JAN 23 2012
OFFICE OF PETITIONS

In re Application of :
Robert Johnston :
Application No. 29/388,333 : **DECISION ON PETITION**
Filed: March 28, 2011 :
Attorney Docket No. JOHNSTON_DES_0311 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 14, 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 August 11, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 14, 2011. Accordingly, the date of abandonment of this application is November 15, 2011. A Notice of Abandonment was mailed on November 29, 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) 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



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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

MAILED

JUL 13 2011

OFFICE OF PETITIONS

In re Application: :
Jorge Hernan Loaiza :
Application No. 29/388,344 :
Filed: March 28, 2011 :
Attorney Docket No. 088022-0016 :

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 14, 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 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/
Joan Olszewski
Petitions Examiner
Office of Petitions



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600 13TH STREET, NW
WASHINGTON DC 20005-3096

MAILED
JUL 13 2011
OFFICE OF PETITIONS

In re Application: :
Jorge Hernan Loaiza :
Application No. 29/388,346 :
Filed: March 28, 2011 :
Attorney Docket No. 088022-0017 :

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 14, 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 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/
Joan Olszewski
Petitions Examiner
Office of Petitions



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WASHINGTON DC 20005-3096

MAILED

JUL 13 2011

In re Application:	:	OFFICE OF PETITIONS
Jorge Hernan Loaiza	:	
Application No. 29/388,349	:	ON PETITION
Filed: March 28, 2011	:	
Attorney Docket No. 088022-0018	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 14, 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 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/
Joan Olszewski
Petitions Examiner
Office of Petitions



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McDermott Will & Emery LLP
600 13th Street, NW
Washington DC 20005-3096

MAILED
JUN 30 2011
OFFICE OF PETITIONS
NOTICE

In re Application of :
Jorge Hernan Loaiza :
Application No. 29/388,351 :
Filed: March 28, 2011 :
Attorney Docket No. **088022-0019** :

This is a notice regarding your request filed June 14, 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 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) 272-4584.

This application is being referred to Technology Center AU 2917 for further processing in accordance with this decision on petition.

JoAnne Burke
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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In re Application of
William C. Young

:
:

Application No. 29388412

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

Filed: March 29, 2011

:

Attorney Docket No. 11-207

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 08-APR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29388412	Confirmation Number	9418	Filing Date	2011-03-29
Attorney Docket Number (optional)	11-207	Art Unit	2913	Examiner	
First Named Inventor	William C. Young				
Title of Invention	CONTAINER BODY PORTION				
Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV). APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE. A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
William	C.	Young			
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) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (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	/Mario A. Tabone/		Date (YYYY-MM-DD)	2011-04-08	
Name	Mario A. Tabone		Registration Number	65666	

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 Freedom 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 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29388433	Confirmation Number	9741	Filing Date	2011-03-29
Attorney Docket Number (optional)	6634-1103	Art Unit		Examiner	
First Named Inventor	BUCK				
Title of Invention	DOOR HANDLE ASSEMBLY				
Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV). APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE. A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
John		Buck			
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) :					
<input checked="" type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input type="radio"/> (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	/walkztalk/	Date (YYYY-MM-DD)	2011-03-29		
Name	John Buck				

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 Freedom 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 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 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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In re Application of
John Buck

:
:

Application No. 29388433

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

Filed:

:

Attorney Docket No. 6634-1101

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 29-MAR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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	29388485	Confirmation Number	1836	Filing Date	2011-03-29
Attorney Docket Number (optional)	CK110218	Art Unit		Examiner	
First Named Inventor	Christopher Kelly				
Title of Invention	ILLUMINATED NOVELTY				

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)	2011-03-29
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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In re Application of
Christopher Kelly

:
:

Application No. 29388485

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

Filed:

:

Attorney Docket No. CK110218

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 29-MAR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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MAILED

APR 25 2011

OFFICE OF PETITIONS

**RYAN WARD
901 22ND ST. S.
ARLINGTON VA 22202**

In re Application of	:	
NOLAN, Barbara K.	:	
Application No. 29/388,597	:	DECISION ON PETITION
Filed: March 30, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 11-03-30-01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 30, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Barbara Nolan attesting to her age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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 2913 for action on the merits commensurate with this decision.

/Tredelle D. Jackson/
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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BANNER & WITCOFF, LTD
1100 13TH STREET, N.W., SUITE 1200
WASHINGTON, D.C. 20005-4051

MAILED

NOV 03 2011

OFFICE OF PETITIONS

In re Application of :
MITSUYA OBARA et al :
Application No. 29/389,464 :
Filed: April 12, 2011 :
Attorney Docket No. 046777.00014 :

ON PETITION

This is a decision on the petition under 37 CFR 1.183, which was filed October 31, 2011. The petition is being considered under 37 CFR 1.181, as a petition to invoke the supervisory authority of the Director.

The petition is **GRANTED**.

Petitioner requested the acceptance of a Supplemental Application Data Sheet filed after payment of the issue fee, as the means to confirm the residence information for Mitsuya Obara and Lea Mari Mendoza as Morrow, GA.

A review of the file history indicates that on June 21, 2011 applicant filed with the Office a Supplemental Application Data Sheet that included the above mentioned inventor's residence and citizenship information. On June 24, 2011, the Office issued an updated filing receipt (Notice) stating that the residence had not been provided. On October 13, 2011, upon review of the file by the Office, the June 21, 2011 Supplemental Application Data Sheet had now been entered and scanned into the file, thus necessitating the creation of a new Bibliographic Data Sheet. Since the October 13, 2011 Supplemental Application Data Sheet confirms what is of record the petition is granted to complete the record as a response to the Office Notice. The petition fee will be refunded to petitioner's Deposit Account No. 19-0733.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions



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WASHINGTON, D.C. 20005-4051

MAILED

NOV 03 2011

OFFICE OF PETITIONS

In re Application of :
MITSUYA OBARA et al :
Application No. 29/389,471 : ON PETITION
Filed: April 12, 2011 :
Attorney Docket No. 046777.00015 :

This is a decision on the petition under 37 CFR 1.183, which was filed October 31, 2011. The petition is being considered under 37 CFR 1.181, as a petition to invoke the supervisory authority of the Director.

The petition is GRANTED.

Petitioner requested the acceptance of a Supplemental Application Data Sheet filed after payment of the issue fee, as the means to confirm the residence information for Mitsuya Obara and Lea Mari Mendoza as Morrow, GA.

A review of the file history indicates that on June 21, 2011 applicant filed with the Office a Supplemental Application Data Sheet that included the above mentioned inventor's residence and citizenship information. On June 23, 2011, the Office issued an updated filing receipt (Notice) stating that the residence had not been provided. On October 13, 2011, upon review of the file by the Office, the June 21, 2011 Supplemental Application Data Sheet had now been entered and scanned into the file, thus necessitating the creation of a new Bibliographic Data Sheet. Since the October 13, 2011 Supplemental Application Data Sheet confirms what is of record the petition is granted to complete the record as a response to the Office Notice. The petition fee will be refunded to petitioner's Deposit Account No. 19-0733.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602

Thurman K. Page
Petitions Examiner
Office of Petitions

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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	29389532	Confirmation Number	2345	Filing Date	2011-04-13
Attorney Docket Number (optional)	THOR-47951	Art Unit		Examiner	
First Named Inventor	Martha Thorpe				
Title of Invention	MULTIPLICATION TEACHING AID				
<p>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 <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>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.</p> <p>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.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
Martha		Thorpe			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/joseph j corso/	Date (YYYY-MM-DD)	2011-04-13		
Name	Joseph J. Corso	Registration Number	25845		

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 Freedom 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 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 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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In re Application of
Martha Thorpe

:
:

Application No. 29389532

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

Filed:

:

Attorney Docket No. THOR-47951

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 13-APR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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DAVID L. KING, SR.
5131 N.E. COUNTY ROAD 340
HIGH SPRINGS FL 32643

MAILED

OCT 26 2011

OFFICE OF PETITIONS

In re Application of :
Scolari et al : DECISION GRANTING PETITION
Application No. 29/389,795 : UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: April 15, 2011 :
Attorney Docket No. DN0178 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed October 25, 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 October 18, 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 October 25, 2011.

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

This matter is being referred to Technology Center AU 2917 for processing of the CPA and consideration of the previously filed amendment on October 24, 2011.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions



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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

MAILED

JUL 07 2011

OFFICE OF PETITIONS

In re Application of :
Kim et al. :
Application Number: 29/390,012 :
Filed: April 19, 2011 : DECISION ON PETITION
Attorney Docket Number: 5188- :
0028DES :

This is in response to the "RESPONSE TO NOTICE OF OMITTED ITEMS"¹ filed May 5, 2011, which is treated as a petition under 37 CFR 1.57(a), requesting that the above-identified application be accorded a filing date of April 19, 2011, based on the inadvertently omitted drawings being present in the prior-filed foreign application to which this application claims benefit under 37 C.F.R. 1.55.

The requirements of 37 CFR 1.57(a) have not been met. Nonetheless, for the reasons stated herein, the petition for correction of the filing date is GRANTED.

Application papers in the above-identified application were deposited on April 19, 2011. However, on April 29, 2011, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application was deposited without drawings.

In response, the instant petition was timely filed, along with the amendment to include the inadvertently omitted portion of the drawing. Applicant submits copies of drawing pages which show

¹ The Notice mailed was actually a "Notice of Incomplete Application." Ordinarily no petition needs to accompany an amendment under 1.57(a) filed in response to a Notice of Omitted Items as such an application has been accorded a filing date.

the omitted item Figures 1-9, and request to add the missing figures pursuant to 37 CFR 1.57(a). Applicant states that inadvertently omitted Figures 1-9 can be found at pages 6-12 of the drawings in the foreign Priority Document filed on April 26, 2011 for Korean application no. 30-2010-0045758. The petition includes a copy of the foreign priority document in Korean.

37 CFR 1.57 states, in pertinent part:

(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 CFR 1.57(a) are applicable. A review of the application as filed on April 19, 2011 confirms that on filing it included a claim under § 1.55 to Korean application No. 30-2010-0045758. Applicant states that the drawings were inadvertently omitted. The petition fee of \$400 has been charged to Deposit Account No. 07-1337, as authorized. The petition includes an amendment submitting the omitted material and requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application pursuant to 37 CFR 1.57(a) as required and copies of the drawings.

However, the petition includes a copy of the foreign application, but does not include an English translation thereof as required by 1.57(a)(1)(ii). Moreover, applicant has provided copies of the drawings, and has stated that they are from the foreign priority application. Yet, the drawings are not those from the foreign application to the extent that they do not contain legends in the Korean language as those present in the foreign application.

Thus, the requirements of 37 CFR 1.57(a) have not been met. The petition cannot be granted under 37 CFR 1.57(a).

However, it is noted that the application as filed also included an explicit incorporation by reference of the prior-filed Korean application No. 30-2010-0045758. As such, applicant is entitled to relief on petition under 37 CFR 1.182. As this petition includes the petition fee, an amendment submitting the drawings and a copy of the drawings in the foreign priority document filed May 5, 2011, the requirements of 37 CFR 1.182 are met.

In view thereof, the petition is granted under 37 CFR 1.182. The application is accorded a filing date of April 19, 2011 and the amendment to enter the drawings may be entered. If required by the examiner, applicant should submit a statement that the translation (of the drawings filed on May 5, 2011) is accurate.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for according of a filing date of April 19, 2011, using the application papers received in the Office on that date and the drawings submitted on petition filed May 5, 2011, and for an indication in the records of the Office

that the application contains four (4) drawing sheets, and issuance of a corrected filing receipt.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Nancy Johnson at (571) 272-3219.



Christopher Bottorff
Petitions Examiner
Office of Petitions



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DAVIS & BUJOLD, PLLC
112 PLEASANT STREET
CONCORD, NH 03301

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of :
Soon Buem Kwon :
Application No. 29/390,018 : **ON PETITION**
Filed: April 19, 2011 :
Attorney Docket No. JYKINT D01AUS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 13, 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 November 23, 2011 as required by the Notice of Allowance and Fee(s) Due, mailed August 23, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 24, 2011. A Notice of Abandonment was mailed on December 7, 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) (3) and (4).

With respect to item 3:

The statement of delay is not acceptable. 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.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by the attorney of record, inventors or an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

With respect to item 4:

A terminal disclaimer and the \$80 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. A blank copy of the required terminal disclaimer accompanies 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) 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

Attachment: Blank Copy of Terminal Disclaimer Form PTO/SB/63



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DAVIS & BUJOLD, PLLC
112 PLEASANT STREET
CONCORD, NH 03301

MAILED
FEB 21 2012
OFFICE OF PETITIONS

In re Application of :
Soon Buem Kwon :
Application No. 29/390,018 : DECISION ON PETITION
Filed: April 19, 2011 :
Attorney Docket No. JYKINTD01AUS :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 27, 2012, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file corrected drawings on or before November 23, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 23, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 24, 2011. A Notice of Abandonment was mailed on December 7, 2011.

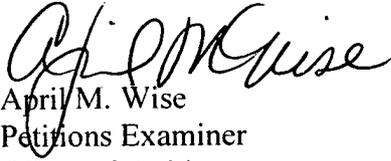
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings, (2) the petition fee of \$930, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, 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 processing into a patent in accordance with this decision on petition.

A handwritten signature in cursive script, appearing to read "April M. Wise".

April M. Wise
Petitions Examiner
Office of Petitions



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MARTINE PENILLA GROUP, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Patent of Wen-Huang Liu :
Patent No. D653630 :
Issue Date: February 7, 2012 : Letter
Application No. 29/390,317 :
Filing Date: April 22, 2011 :
Attorney Docket No. JLINP225D :

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed January 4, 2012.

The deficiency payment of \$495 is hereby accepted.

The change of status to large entity has been entered and made of record.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
James J. Steckline

:
:

Application No. 29390364

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

Filed: April 23, 2011

:

Attorney Docket No. 500292764

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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	29390364	Confirmation Number	7668	Filing Date	
Attorney Docket Number (optional)	500292764	Art Unit		Examiner	
First Named Inventor	James J. Steckline				
Title of Invention	BOAT STABILIZING SYSTEM				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:

- (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
- (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
James	J.	Steckline	

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)	2011-05-31
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 inspections or an issued patent.
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MUSKIN & CUSICK LLC
100 WEST MAIN STREET
SUITE 205
LANSDALE PA 19446

MAILED
DEC 05 2011
OFFICE OF PETITIONS

In re Application of :
Barbara A. Butts-Cornish :
Application No. 29/390,372 : **ON PETITION**
Filed: April 23, 2011 :
Attorney Docket No. 1718 :

This is a decision on the petition filed November 11, 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 formal drawings in a timely manner in reply to the Notice of Allowance mailed July 6, 2011, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 7, 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 the formal drawings; (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

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**PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION
 UNDER 37 CFR 1.102(c)(1)**

Application Information

Application Number	29390760	Confirmation Number	5752	Filing Date	2011-04-28
Attorney Docket Number (optional)	500425244	Art Unit		Examiner	
First Named Inventor	William B. Dorsey				
Title of Invention	SEATBELT SHOULDER PAD WITH PHOTO AND ID POCKETS				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:

- (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
- (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
William	B.	Dorsey	

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)	2011-04-28
Name	Kevin Prince	Registration Number	57207

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.

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

:
:

Application No. 29390760

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

Filed:

:

Attorney Docket No. 500425244

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 28-APR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of :
Francisco Perurena Lizarazu :
Application No. 29/391,076 : **ON PETITION**
Filed: May 3, 2011 :
Attorney Docket No.: GAS-139A :

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 **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed August 11, 2011. A Notice of Abandonment was mailed on December 1, 2011. On December 19, 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 \$930; (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 December 19, 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

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

BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE WI 53203

OL

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29391475	Confirmation Number	9921	Filing Date	2011-05-09
Attorney Docket Number (optional)	156-3 DES	Art Unit	2913	Examiner	
First Named Inventor	Edward D. Garvin				
Title of Invention	UTENSIL HOLDER				
<p>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 <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>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.</p> <p>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.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
Edward	D.	Garvin			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/Justin R. Nifong/		Date (YYYY-MM-DD)	2011-05-16	
Name	Justin R. Nifong		Registration Number	59389	

Privacy Act Statement

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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 inspections or an issued patent.
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In re Application of
Edward D. Garvin

:
:

Application No. 29391475

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

Filed:

:

Attorney Docket No. 156-3 DES

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 16-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29391872	Confirmation Number	7446	Filing Date	2011-05-13
Attorney Docket Number (optional)	6027-001D02	Art Unit		Examiner	
First Named Inventor	Sharon Loretta Busch				
Title of Invention	Utensil				
<p>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 <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>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.</p> <p>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.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
Sharon	Loretta	Busch			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/David F. Underwood, Ph.D./		Date (YYYY-MM-DD)	2011-05-16	
Name	David F. Underwood, Ph.D.		Registration Number	65230	

Privacy Act Statement

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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of
Sharon Loretta Busch

:
:

Application No. 29391872

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

Filed:

:

Attorney Docket No. 6027-001D02

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 16-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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Zies Widerman & Malek
1990 W. New Haven Avenue, Suite 201
Melbourne FL 32904

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OFFICE OF PETITIONS

In re Application of
Fredric S. Maxik et al.
Application No. 29/391,946
Filed: May 15, 2011
Attorney Docket No. **51.4651**

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 June 16, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by the inventor. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center AU 2913 for action on the merits commensurate with this decision.

/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

Caterpillar/ Miller, Matthias & Hull LLP
One North Franklin Street
Suite 2350
Chicago IL 60606

MAILED

DEC 12 2011

OFFICE OF PETITIONS

In re Application of :
SALVADOR et al. :
Application No. 29/392,329 : **DECISION ON PETITION**
Filed: 05/19/2011 :
Attorney Docket No. 50100/10-0753.1 :

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 **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 pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on June 20, 2011, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on September 21, 2011. A Notice of Abandonment was mailed on October 3, 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.



Christina Tartera Donnell
Senior Petitions Attorney
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

Caterpillar/ Miller, Matthias & Hull LLP
One North Franklin Street
Suite 2350
Chicago IL 60606

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of :
SALVADOR et al. :
Application No. 29/392,329 :
Filed: 05/19/2011 :
Attorney Docket No. 50100/10-0753.1 :

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 6, 2012, to revive the above-identified application.

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

This application became abandoned for failure to pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on June 20, 2011, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on September 21, 2011. A Notice of Abandonment was mailed on October 3, 2011.

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



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SHUTTLEWORTH & INGERSOLL, P.L.C.
115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS, IA 52406

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of: :
Anthony Kriz et al. :
Application No. 29/392,630 : NOTICE
Filed: May 24, 2011 :
Attorney Docket No. 17157-0018-4 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 17, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to the office of Publications.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions



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In re Application of
Christopher G. Weise

:
:

Application No. 29392727

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

Filed: May 25, 2011

:

Attorney Docket No. 500255954

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 13-JUL-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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	29392727	Confirmation Number	4491	Filing Date	2011-05-25
Attorney Docket Number (optional)	500255954	Art Unit		Examiner	
First Named Inventor	Christopher G. Weise				
Title of Invention	FISH MEASURING TOOL				

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
Richard	A.	Morrison	

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)	2011-07-13
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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In re Application of
William J. Moran

:
:

Application No. 29392808

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

Filed:

:

Attorney Docket No. 500454042

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 31-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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	29392808	Confirmation Number	5983	Filing Date	2011-05-26
Attorney Docket Number (optional)	500454042	Art Unit		Examiner	
First Named Inventor	William J. Moran				
Title of Invention	TOOTHPICK AND HOLDER				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:

- (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
- (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
William	J.	Moran	

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)	2011-05-31
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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MS. TERRY CUPPLES
197607 EAST THIRD AVENUE
KENNEWICK WA 99337

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of	:	
CUPPLES, Terry et al.	:	
Application No. 29/393,317	:	DECISION ON PETITION
Filed: June 07, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 21, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Terry Cupples attesting that she is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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

This application is being referred to the Office of Patent Application Processing to await a reply to the Notice of Incomplete Application mailed June 13, 2011. This application will be accorded "special" status when pre-examination processing is done.


Michelle R. Eason
Paralegal Specialist
Office of Petitions



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DYKAS & SHAVER, LLP
PO BOX 877
BOISE ID 83701

MAILED

MAR 07 2012

OFFICE OF PETITIONS

In re Application of
Bonzer
Application No. 29/393,954
Filed: June 10, 2011
Attorney Docket No. BONA221

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: **DECISION ON PETITION**
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:

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 25, 2012, 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 7, 2011, as required by the Notice of Allowability, mailed September 7, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 8, 2011. A Notice of Abandonment was mailed on December 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 replacement drawings, (2) the petition fee of \$930, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely submit replacement drawings as required by the Notice of Allowability is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions



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In re Application of
Charles F. Atkins

:
:

Application No. 29394349

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

Filed: June 16,2011

:

Attorney Docket No. 500620317

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 28-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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	29394349	Confirmation Number	5549	Filing Date	2011-06-16
Attorney Docket Number (optional)	500620317	Art Unit		Examiner	
First Named Inventor	Charles F. Atkins				
Title of Invention	COMPUTER EASEL				

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
Charles	F.	Atkins	

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)	2011-06-27
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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Law Office of Kent M. Walker
A Professional Corporation
402 W. Broadway
Suite 400
San Diego CA 92101

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Jack Werdowatz	:	
Application No. 29/394,601	:	DECISION ON PETITION
Effectively filed: June 18, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 8100-1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 19, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement inventor Jack Werdowatz attesting to his/her age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

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

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center 2913 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Hollstein Keating Cattell Johnson & Goldstein P.C.
Suite 301
750 Rt. 73 S.
Marlton NJ 08053

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DEC 19 2011

OFFICE OF PETITIONS

In re Application of
Marvin Gorovitz
Application No. 29/395,107
Filed: November 23, 2011
Attorney Docket No. 2297.00002

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 23, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by an attorney on behalf of inventor Marvin Gorowitz, attesting to his/her age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

The application is being forwarded to Technology Center 2913 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

MAILED

MAR 19 2012

OFFICE OF PETITIONS

In re Application of :
Jeanne Marie Hughes et al. :
Application No. 29/396,135 : **DECISION ON PETITION**
Filed: June 27, 2011 :
Attorney Docket No. **D-1938** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 21, 2012 and supplemented on March 13, 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 16, 2012, as required by the Notice of Allowance and Fee(s) Due, mailed November 16, 2011. Accordingly, the date of abandonment of this application is February 17, 2012.

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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In re Application of
Charles Marshall

:
:

Application No. 29396626

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

Filed:

:

Attorney Docket No. 500490106

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 12-JUL-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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	29396626	Confirmation Number	3300	Filing Date	2011-07-01
Attorney Docket Number (optional)	500490106	Art Unit		Examiner	
First Named Inventor	Charles Marshall				
Title of Invention	WRIST STRAIGHTENING PUTTER GRIP				

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
Charles		Marshall	

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)	2011-07-12
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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In re Application of
Brigit Irene Clarke-Smith

Application No. 29396676

Filed: July 5, 2011

Attorney Docket No. 5487

:

: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 03-JAN-2012 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29/396,676	Confirmation Number	4469	Filing Date	2011-07-05
Attorney Docket Number (optional)	547	Art Unit	2913	Examiner	MIMOSA DE
First Named Inventor	BRIGIT IRENE CLARKE-SMITH				
Title of Invention	SADDLE CHAIR				
<p>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 <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>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.</p> <p>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.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
BRIGIT	IRENE	CLARKE-SMITH			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/ASHKAN NAJAFI/	Date (YYYY-MM-DD)	2012-01-03		
Name	ASHKAN NAJAFI	Registration Number	49078		

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 Freedom 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 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 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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1875 CENTURY PARK EAST
SUITE 1150
LOS ANGELES, CA 90067

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of
David Raysse
Application No. 29/397,086
Filed: July 11, 2011
Attorney Docket No.: 210859.22828

ON PETITION

This is a decision in response to the petition, filed January 6, 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 timely pay the issue fee on or before November 25, 2011, as required by the Notice of Allowance and Fee(s) Due mailed August 25, 2011. A Notice of Abandonment was subsequently mailed on December 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 issue fee of \$990, (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 January 6, 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.

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

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	29397156	Confirmation Number	3961	Filing Date	2011-07-12
Attorney Docket Number (optional)	500943795	Art Unit		Examiner	
First Named Inventor	Ananth T. Reddy				
Title of Invention	JUMP/STRADLE UNIVERSAL BRIDGE				

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
Ananth	T.	Reddy	

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)	2011-07-18
Name	Kevin Prince	Registration Number	57207

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 Freedom 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 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 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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In re Application of
Ananth T. Reddy

:
:

Application No. 29397156

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

Filed:

:

Attorney Docket No. 500943795

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 18-JUL-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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P.O. Box 1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
29/397,282	07/14/2011	PETER VARGA	PORD-MU-1159C

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

Mail Date: December 23, 2011

**Decision Dismissing Petition under 37 CFR 1.138(c)
The declaration of express abandonment will not be recognized**

This is in response to the petition under 37 CFR 1.138(c) for express abandonment to avoid publication of the above-identified application.

The American Inventors Protection Act (AIPA) of 1999 does not provide for the publication of design applications.

The petition is dismissed.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Kaletus Buchanan
Office of Data Management

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29397364	Confirmation Number	7919	Filing Date	2011-07-14
Attorney Docket Number (optional)		Art Unit		Examiner	
First Named Inventor	Economou				
Title of Invention	Combination Rake and Hoe Tool				
<p>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 <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>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.</p> <p>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.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name		Suffix	
George	A.	Economou			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/markcrossley/		Date (YYYY-MM-DD)	2011-07-15	
Name	Mark Crossley		Registration Number	48136	

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 Freedom 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 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 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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In re Application of
George A. Economou

:
:

Application No. 29397364

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

Filed:

:

Attorney Docket No. 11-4-4.12DA

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 15-JUL-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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NOV 29 2011
OFFICE OF PETITIONS

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

In re Application of :
Sang Son :
Application No. 29/397,622 : DECISION DISMISSING PETITION
Filed: July 19, 2011 : UNDER 37 CFR 1.313(a)
Attorney Docket No. 17868/006001 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 28, 2011, which, for the reason stated below, is being treated as a petition under 37 CFR 1.313(a) requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on September 7, 2011, with the issue fee being due on or before December 7, 2011. There is no indication that the issue fee has been paid.

The petition to withdraw from issue is accompanied by the filing of a request under 37 CFR 1.53(d) for a continued prosecution application (CPA) and filing fees therefor, along with an information disclosure statement, amendment and one sheet of drawing.

The filing of a petition to withdraw this application from issue under 37 CFR 1.313(a) is unnecessary. In this regard, a continuation or divisional application under 37 CFR 1.53(d) must be filed before the earliest of: (A) **payment of the issue fee on the prior application, unless a petition under 37 CFR 1.313(c) is granted in the prior application**; (B) abandonment of the prior application; or (C) termination of proceedings on the prior application. *Note* MPEP § 201.06(d)(II)(A). Further, the filing of a request for a CPA expressly abandons the prior application as of the filing date of the request for the CPA. *See* 37 CFR 1.53(d)(2)(v). Therefore, as the CPA was filed prior to payment of the issue fee and the filing of the CPA expressly abandons the application as of the filing date thereof, the filing of a petition to withdraw from issue is unnecessary.

In view of the above, the \$130 petition fee submitted is unnecessary. Applicant may request a refund of the petition fee by writing to the Office of Finance, Refund Section.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

Application No. 29/397,622

-2-

The matter is being referred to Technology Center AU 2913 for appropriate processing of the CPA filed November 28, 2011, and for consideration of the concurrently filed IDS and amendment.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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OSHA LIANG LLP
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of :
Sang Son :
Application No. 29/397,622 :
Filed: July 19, 2011 :
Attorney Docket No. 17868/006001 :
: DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed December 8, 2011.

The request is **GRANTED**.

Applicant filed the above request for refund and states that "On November 28, 2011, Applicant filed a Continued Prosecution Application (CPA) in the above-captioned Design application. A Petition to Withdraw Application from Issue Pursuant to 37 C.F.R. 1.313(a) was also filed."

Applicant further states that "As the CPA was filed prior to payment of the issue fee and the filing of the CPA expressly abandoned the application as of the filing date thereof, the filing of a Petition to Withdraw from Issue was unnecessary."

In view of the above, the petition fee of \$130.00 is being credited to petitioner's credit card account as it is the method in which the fee was paid.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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Paper No.

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AUG 26 2011

OFFICE OF PETITIONS

S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE WI 53403-2236

In re Application of	:	
Schultz, Klinkhammer,	:	DECISION ON PETITION
Zach, Wortley, Rice,	:	PURSUANT TO
Jaichandra, Duennes,	:	37 C.F.R. § 1.47(A)
Kristiansen, Buttler, Van Dyk,	:	
Demar, Charriez, Kiely, and	:	
Anastasiadis	:	
Application No. 29/397,660	:	
Filed: July 19, 2011	:	
Attorney Docket No. J-5284D1	:	
Title: APPLICATOR FOR	:	
DISPENSING SELF-ADHESIVE	:	
PRODUCTS	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed August 10, 2011.

This petition is **GRANTED**.

The above-identified application was filed on August 10, 2011 without an oath or declaration, identifying Schultz, Klinkhammer, Zach, Wortley, Rice, Jaichandra, Duennes, Kristiansen, Buttler, Van Dyk, Demar, Charriez, Kiely, and Anastasiadis as joint inventors. On August 2, 2011, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" was mailed, indicating that an executed declaration would be required, along with the surcharge associated with the late filing 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, 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.

With this petition, Petitioner has included the fee associated with the late submission of this petition, a declaration that has been executed by each joint inventor save Mr. Duennes, the last known address of the non-signing inventor,¹ an assertion that the non-signing inventor has refused to execute the declaration,² and proof that he was provided with a complete copy of the application³ and that no response has been received.⁴

The \$200 petition fee will be charged to Deposit Account No. 10-0849 in due course, as authorized on the "RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION," submitted concurrently with this petition.

Each of the five requirements of 37 C.F.R. § 1.47(a) has been satisfied. 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 inventor at the address given in the declaration that was submitted concurrently with this petition. Notice of the filing of this application will also be published in the Official Gazette.

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

1 Petition, pages 2 and 3.

2 Id. at 3.

3 Id. See also Lechner statement of facts, paragraph 5 and Edwards statement of facts, paragraph 2.

4 Lechner statement of facts, paragraph 11 and Edwards statement of facts, paragraph 3.

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) 272-3225.⁵ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

cc: Brent E. Matthias
Miller, Matthias & Hull, LLP
One North Franklin Street
Suite 2350
Chicago, IL 60606

⁵ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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AUG 26 2011

OFFICE OF PETITIONS

Mark D. Duennes
1502 Canbury Court
Apt. # D2
Wheeling, IL 60090

In re Application of :
Schultz, Klinkhammer, :
Zach, Wortley, Rice, :
Jaichandra, Duennes, :
Kristiansen, Buttler, Van :
Dyk, Demar, Charriez, Kiely, :
and Anastasiadis :
Application No. 29/397,660 : LETTER
Filed: July 19, 2011 :
Attorney Docket No. J-5284D1 :
Title: APPLICATOR FOR :
DISPENSING SELF-ADHESIVE :
PRODUCTS :

Dear Mr. Duennes:

You are named 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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: S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE WI 53403-2236

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29398349	Confirmation Number	8879	Filing Date	2011-07-09
Attorney Docket Number (optional)	688106-1U3	Art Unit		Examiner	Not Yet Assigned
First Named Inventor	Richard M. LEE				
Title of Invention	CONTAINER				
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		
Richard	M.	LEE			
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) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (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	/Mark T. Vogelbacker/		Date (YYYY-MM-DD)	2011-07-29	
Name	Mark T. Vogelbacker		Registration Number	58877	

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 Freedom 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 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 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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In re Application of
Richard M. LEE

:
:

Application No. 29398349

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

Filed:

:

Attorney Docket No. 688106-1U3

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 29-JUL-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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ZIES WIDERMAN & MALEK
1990 W. NEW HAVEN AVENUE, SUITE 201
MELBOURNE FL 32904

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of	:	
ROBERSON	:	
Application No. 29/398,798	:	DECISION ON PETITION
Filed: August 4, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 51.4668	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 15, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2900.

The application is being forwarded to Technology Center Art Unit 2912 for action on the merits commensurate with this decision.

/Diane C. Goodwyn/
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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ZIES WIDERMAN & MALEK
1990 W. NEW HAVEN AVENUE, SUITE 201
MELBOURNE FL 32904

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of	:	
ROBERSON	:	
Application No. 29/398,800	:	DECISION ON PETITION
Filed: August 4, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 51.4669	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 15, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2900.

The application is being forwarded to Technology Center Art Unit 2912 for action on the merits commensurate with this decision.

/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

ZIES WIDERMANN & MALEK
1990 W. NEW HAVEN AVENUE, SUITE 201
MELBOURNE FL 32904

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of :
ROBERSON :
Application No. 29/398,802 :
Filed: August 4, 2011 :
Attorney Docket No. 51.4670 :
: **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 September 15, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2900.

The application is being forwarded to Technology Center Art Unit 2912 for action on the merits commensurate with this decision.

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



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ZIES WIDERMAN & MALEK
1990 W. NEW HAVEN AVENUE, SUITE 201
MELBOURNE FL 32904

MAILED

SEP 26 2011

In re Application of

ROBERSON

Application No. 29/398,803

Filed: August 4, 2011

Attorney Docket No. 51.4671

OFFICE OF PETITIONS

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 15, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2900.

The application is being forwarded to Technology Center Art Unit 2912 for action on the merits commensurate with this decision.

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



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Alexandria, VA 22313-1450
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**MICHAEL E. ZALL
TWO YORKSHIRE DRIVE
SUFFERN NY 10901**

**MAILED
AUG 29 2011
OFFICE OF PETITIONS**

In re Application of :
David J. Haas :
Application No. 29/399,026 : **DECISION ON PETITION**
Filed: August 8, 2011 : **TO MAKE SPECIAL UNDER**
Attorney Docket No. TECCO 3.1-008 : **37 CFR 1.102(c)(1)**
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 8, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant declaring that he is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2913 for action on the merits commensurate with this decision.

/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

**BALLARD SPAHR LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915**

MAILED

OCT 07 2011

OFFICE OF PETITIONS

In re Application of :
Douglas R. Dole et al :
Application No. 29/399,182 : **DECISION ON REQUEST FOR REFUND**
Filed: August 10, 2011 :
Attorney Docket No. 22150.0260U1 :

This is a decision on the Request For Refund filed September 27, 2011.

The request is **GRANTED**.

Applicant files the above request for refund and states that "... a Petition Under 37 C.F.R. § 1.182 To Change Order of Inventors on September 1, 2011 and paid the required fee under 37 C.F.R. § 1.17(f). In error, Applicants again filed the same Petition Under 37 C.F.R. § 1.182 To Change Order of Inventors on September 9, 2011, and again paid the fee under 37 C.F.R. § 1.17(f)."

A review of Office finance records for the above application shows that the petition fee of \$400.00 was paid twice as indicated above. Therefore, as authorized, the \$400.00 fee for the duplicate petition filed September 9, 2011, has been credited to petitioner's deposit account.

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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BALLARD SPAHR LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Application of :
Giacalone, et al. :
Application No. 29/399,182 : **DECISION ON PETITION**
Filed: 10 August, 2011 :
Attorney Docket No. 22150.0260U1 :

This is a decision on the petition pursuant to 37 C.F.R. §1.182, filed on 1 September, 2011, to change the order of the names of the inventors.

The petition pursuant to 37 C.F.R. §1.182 is **GRANTED**.

The guidance in the Commentary at MPEP §605.04(f) provides, in pertinent part:

§605.04(f) Signature on Joint Applications - Order of Names [R-3]

The order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration. Care should therefore be exercised in selecting the preferred order of the typewritten names of the joint inventors, before filing, as requests for subsequent shifting of the names would entail changing numerous records in the Office. Since the particular order in which the names appear is of no consequence insofar as the legal rights of the joint applicants are concerned, no changes will be made except when a petition under 37 C.F.R. §1.182 is granted. The petition should be directed to the attention of the Office of Petitions. The petition to change the order of names must be signed by either the attorney or agent of record or all the applicants. Applicants are strongly 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. It is suggested that all typewritten and signed names appearing in the application papers should be in the same order as the typewritten names in the oath or declaration. (Emphasis supplied.)

Application No. 29/399,182

The petition herein is signed by Counsel herein John A. Chionchio (Reg. No. 40,954), who seeks the following order of inventors: Douglas R. Dolé, Francis J. Giacalone and Scott D. Madara.

The \$400.00 fee for the petition pursuant to 37 C.F.R. §1.182 previously was paid.

It is noted, however, that an updated application data sheet (ADS) and supplemental oath/declaration were not submitted with the petition, and Petitioner should attend to this promptly.

Office records will be corrected to reflect the change in the order of the named inventors.

To this end and out of an abundance of caution, to ensure that the correction is properly entered into Office records, the application is being referred to the Office of Patent Application Processing (OPAP) for:

- Review to ensure changes have been or are entered into Office records as to the order of inventors; and
- Mailing of an updated filing receipt reflecting those changes consistent with this decision before the application is forwarded for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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Alexandria, VA 22313-1450
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ABOY & ASSOCIATES PC
www.aboypatents.com
522 SW 5TH AVE., SUITE 1390
PORTLAND OR 97204

MAILED

FEB 24 2012

OFFICE OF PETITIONS

In re application of
Joaquin Sabaris Vilas
Application No. 29/399,427
Filed: August 14, 2011
Attorney Docket No. P1113

:
:
:
:
:

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on December 14, 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 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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29399647	Confirmation Number	3939	Filing Date	2011-08-16
Attorney Docket Number (optional)	HC1101	Art Unit		Examiner	
First Named Inventor	Henry R. Clark, Jr.				
Title of Invention	GUSSETED PAINT TRAY WITH SLOTS FOR SUPPORTING A BRUSH WIPING BAR				
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		
Henry	R.	Clark	Jr.		
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) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (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	/Mark J. Young/		Date (YYYY-MM-DD)	2011-08-16	
Name	Mark J. Young		Registration Number	39436	

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

In re Application of
Henry R. Clark

:
:

Application No. 29399647

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

Filed:

:

Attorney Docket No. HC1101

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 17-AUG-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/6/2018
TO SPE OF : ART UNIT 2915 Specie Robert (spe)
SUBJECT : Request for Certificate of Correction for Appl. No.: 29/399858 Patent No.: D653247

CoIC mailroom date: _____

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 (CoIC)
Randolph Square - 9D10-A
Palm Location 7580

Note: _____

Certificates of Correction Branch
571-272-8680 _____

Thank You For Your Assistance

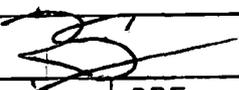
The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved
- Approved in Part
- Denied

- All changes apply.
- Specify below which changes do not apply.
- State the reasons for denial below.

Comments: _____



SPE

2915
Art Unit



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SHUTTLEWORTH & INGERSOLL, P.L.C.
115 3RD STREET SE, SUITE 500
P.O. BOX 2107
CEDAR RAPIDS, IA 52406

MAILED

DEC 20 2011

OFFICE OF PETITIONS

In re Application of: :
Anthony Kriz et al. :
Application No. 29/400,296 :
Filed: August 25, 2011 :
Attorney Docket No. 17157-0018-8 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 17, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Office of Publications.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Jim Robertson

:
:

Application No. 29400609

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

Filed: August 30, 2011

:

Attorney Docket No. 11-0425

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 20-SEP-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

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

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29400609	Confirmation Number	4356	Filing Date	
Attorney Docket Number (optional)	11-0425	Art Unit		Examiner	
First Named Inventor	Jim Robertson				
Title of Invention	Mil-Dot Target				
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		
Jim		Robertson			
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) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (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	/George R. Reardon/		Date (YYYY-MM-DD)	2011-09-20	
Name	George R. Reardon		Registration Number	53505	

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 Freedom 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 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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29400610	Confirmation Number	4363	Filing Date	
Attorney Docket Number (optional)	11-0425-2	Art Unit		Examiner	
First Named Inventor	Jim Robertson				
Title of Invention	Mil-Dot Target				
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		
Jim		Robertson			
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) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (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	/George R. Reardon/		Date (YYYY-MM-DD)	2011-09-20	
Name	George R. Reardon		Registration Number	53505	

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 Freedom 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 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 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Jim Robertson

:

Application No. 29400610

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

Filed: August 30, 2011

:

Attorney Docket No. 11-0425-2

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 20-SEP-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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24500 CENTER RIDGE ROAD, SUITE 280
CLEVELAND OH 44145

MAILED

MAR 28 2012

OFFICE OF PETITIONS

In re Application of :
William F. Egan et al :
Application No. 29/400,920 : **DECISION DISMISSING PETITION**
Filed: September 2, 2011 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. SNR.COC.P71262D-A :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 26, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition did not get to the proper deciding official in time to process the petition prior to the patent issue. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted. 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**.

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

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

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FEB 09 2012

OFFICE OF PETITIONS

In re Application of :
Stuart Weitzman :
Patent Number: D649750 :
Issue Date: 12/06/2011 :
Application No. 29/401377 :
Filing or 371(c) Date: 09/12/2011 :
Attorney Docket Number: :
5854/004 :

ON PETITION

This is a notice regarding 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 inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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Alexandria, VA 22313-1450
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In re Application of
Michael Lamey

:
:

Application No. 29401960

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

Filed: September 19, 2011

:

Attorney Docket No. Lamey.M-01D

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 17-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29401960	Confirmation Number	8134	Filing Date	2011-09-19
Attorney Docket Number (optional)	Lamey.M-01D	Art Unit	2914	Examiner	
First Named Inventor	Michael Lamey , Laguna Nigel, CA (US)				
Title of Invention	Arm or Leg Band with a Semi-transparent Exterior Pocket				
<p>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 <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>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.</p> <p>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.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
Alice		Jordan			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/gene scott/	Date (YYYY-MM-DD)	2011-10-17		
Name	Gene Scott	Registration Number	37930		

Privacy Act Statement

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom 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 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 inspections or an issued patent.
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Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29405474	Confirmation Number	1010	Filing Date	2011-11-02
Attorney Docket Number (optional)	D2011052	Art Unit	2913	Examiner	
First Named Inventor	John Browder				
Title of Invention	FRAGRANCE DISK				
<p>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 <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>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.</p> <p>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.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name		Suffix	
John		Browder			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/Brian E. Harris, 48,383/		Date (YYYY-MM-DD)	2011-11-14	
Name	Brian E. Harris		Registration Number	48383	

Privacy Act Statement

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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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.
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In re Application of
John Browder

:
:

Application No. 29405474

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

Filed:

:

Attorney Docket No. D2011052

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 14-NOV-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	29405477	Confirmation Number	5899	Filing Date	2011-11-02
Attorney Docket Number (optional)	D2011055	Art Unit	2913	Examiner	
First Named Inventor	John Browder				
Title of Invention	HEATING PLATE				
<p>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 <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>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.</p> <p>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.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
John		Browder			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/Brian E. Harris, 48,383/		Date (YYYY-MM-DD)	2011-11-14	
Name	Brian E. Harris		Registration Number	48383	

Privacy Act Statement

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

:
:

Application No. 29405477

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

Filed:

:

Attorney Docket No. D2011055

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 14-NOV-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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	29406737	Confirmation Number	7925	Filing Date	2011-11-18
Attorney Docket Number (optional)	11-207-Div	Art Unit		Examiner	
First Named Inventor	William C. Young				
Title of Invention	CONTAINER BODY PORTION				
Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV). APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE. A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
William	C.	Young			
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) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (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	/Mario A. Tabone/		Date (YYYY-MM-DD)	2011-11-18	
Name	Mario A. Tabone		Registration Number	65666	

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 Freedom 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 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 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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In re Application of
William C. Young

:
:

Application No. 29406737

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

Filed:

:

Attorney Docket No. 11-207-Div

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 18-NOV-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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**NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304**

**MAILED
JUN 16 2011
OFFICE OF PETITIONS**

In re Application of :
Anthony A. Anthony :
Application No. 60/101,511 : **NOTICE**
Filed: September 23, 1998 :
Attorney Docket No. X2YA0200P-US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 May 31, 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.

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.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions



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MAILED

JUL 06 2011

OFFICE OF PETITIONS

**NEIFELD IP LAW, PC
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ALEXANDRIA, VA 22304**

In re Application of :
Anthony A. Anthony et al. :
Application No. 60/135,542 : **NOTICE**
Filed: May 24, 1999 :
Attorney Docket No. X2YA0203P-US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed May 31, 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.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



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JUL 06 2011

OFFICE OF PETITIONS

**NEIFELD IP LAW, PC
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ALEXANDRIA VA 22304**

In re Application of :
Anthony, Anthony A. et al. :
Application No. 60/136,451 : **NOTICE**
Filed: May 28, 1999 :
Attorney Docket No. X2YA0204P-US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 May 31, 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.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Fredelle D. Jackson/
Paralegal Specialist
Office of Petitions



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JUL 05 2011

OFFICE OF PETITIONS

**NEIFELD IP LAW, PC
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ALEXANDRIA VA 22304**

In re Application of :
Anthony, Anthony A. et al. :
Application No. 60/139,182 : **NOTICE**
Filed: June 15, 1999 :
Attorney Docket No. X2YA0205P-US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 May 31, 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.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Fredelle D. Jackson/
Paralegal Specialist
Office of Petitions



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MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of :
Anthony, Anthony A. et al. :
Application No. 60/180,101 : NOTICE
Filed: February 03, 2000 :
Attorney Docket No. X2YA0208P-US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 May 31, 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.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Fredelle D. Jackson/
Paralegal Specialist
Office of Petitions



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ALEXANDRIA VA 22304

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of :
Anthony, et al. :
Application No. 60/185,320 : DECISION
Filed: 29 February, 2000 :
Attorney Docket No. X2YA0209P-US :

This is a decision on the petition filed on 27 May, 2011, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

Petitioner respectfully is requested to place contact information in his signature block should the Office have questions with regard to petitions filed.

Petitioner is respectfully requested to properly itemize and chart the:

- Each fee previously paid;
- Each fee presently due;
- The differential as to each item; and
- The total presently due

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (see: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

Application No. 60/185,320

In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

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

The instant application is released to IFW Files Repository in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of 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 22304

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re
Anthony, et al.
Application No. 60/191,196
Filed: March 22, 2000
Attorney Docket No. X2YA0211P-US

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed May 27, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$170 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.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



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MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re
Anthony, et al.
Application No. 60/200,327
Filed: August 15, 2000
Attorney Docket No. X2YA0212P-US

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed May 27, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$170 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.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



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MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of :
Anthony, et al. :
Application No. 60/203,863 : DECISION
Filed: 12 May, 2000 :
Attorney Docket No. X2YA0213P-US :

This is a decision on the petition filed on 27 May, 2011, under 37 C.F.R. §1.27(g)(2) requesting that status as a Small Entity be removed.

NOTE:

Petitioner respectfully is requested to place contact information in his signature block should the Office have questions with regard to petitions filed.

Petitioner is respectfully requested to properly itemize and chart the:

- Each fee previously paid;
- Each fee presently due;
- The differential as to each item; and
- The total presently due

In view of their duty of candor to the Office to properly inquire to ascertain the accuracy of representations made before the Office (see: 37 C.F.R. §1.4, §10.18, MPEP §410), Petitioners always are reminded of the responsibility to review their records and submit accurate information to the Office.

Petitioner's submission is **ACCEPTED**.

Application No. 60/203,863

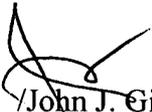
In accordance with the request, status as a Small Entity will be removed, and Petitioner is required to pay fees at the schedule set forth for not-small entities. **The additional fees were charged as authorized.**

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

The instant application is released to IFW Files Repository in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of 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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ALEXANDER ROZIN
P. O. BOX 11043
JERUSALEM 91110 IL ISRAEL

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Alexander ROZIN	:	
Provisional Application No. 60/208,402	:	DECISION ON PETITION
Filed: June 1, 2000	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.53(b)), filed July 12, 2001, to convert this provisional application to a non-provisional application. The required fee under 37 CFR 1.17(i) has been received.

The petition is **DISMISSED**.

Petitioner contends that a previous request to convert the instant provisional application to a non-provisional application was filed May 30, 2001, however the fee required was not provided. Here petitioner request that the required fee submitted July 12, 2001 be accepted, and the instant application be converted to a non-provisional.

A request to convert a provisional application to a nonprovisional application must be accompanied by the fee set forth in § 1.17(i) and an amendment including at least one claim as prescribed by the second paragraph of 35 U.S.C. 112, unless the provisional application under paragraph (c) of this section otherwise contains at least one claim as prescribed by the second paragraph of 35 U.S.C.112.

A request to convert a provisional application to a nonprovisional application must also be filed prior to the earliest of:

- (i) Abandonment of the provisional application filed under paragraph 37 CFR 1.53(c); or
- (ii) Expiration of twelve months after the filing date of the provisional application filed under paragraph 37 CFR 1.53(c).

A review of the file for provisional application no. 60/208,402 indicates that the provisional application expired on midnight June 1, 2001. Hence since the request for conversion occurred after the expiration date of the provisional application, the request for conversion cannot be granted.

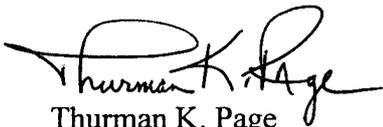
Further correspondence with respect to this matter should be addressed as follows:

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 Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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

Telephone inquiries should be directed to the undersigned at (571) 272-0602 .

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is fluid and cursive, with the first name being the most prominent.

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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NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

Paper No.

MAILED

JUN 29 2011

OFFICE OF PETITIONS

In re Application of :
Anthony et al. :
Application Number: 60/215,314 :
Filing or 371(c) Date: 06/30/2000 :
Attorney Docket Number: X2YA0214P-US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission, which is treated under 37 CFR 1.28, filed on May 27, 2011.

The Office no longer investigates or rejects original or reissue patents under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.


Douglas Wood
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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NEIFELD IP LAW PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re
Anthony, et al.
Application No. 60/225,497
Filed: August 15, 2000
Attorney Docket No. X2YA0215P-US

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed May 27, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$170 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.

A handwritten signature in black ink, appearing to read "Cliff Congo".

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
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NEIFELD IP LAW PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re
Anthony, et al.
Application No. 60/241,128
Filed: October 17, 2000
Attorney Docket No. X2YA0216P-US

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed May 27, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$170 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.

A handwritten signature in black ink, appearing to read "Cliff Congo".

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
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MAILED

JUN 21 2011

OFFICE OF PETITIONS

NEIFELD IP LAW PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

In re
Anthony, et al.
Application No. 60/248,914
Filed: November 15, 2000
Attorney Docket No. X2YA0217P-US

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed May 27, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$170 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



NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of
William M. Anthony
Application No. 60/253,793
Filed: November 29, 2000
Attorney Docket No. X2YA0219P-US

ON PETITION

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission filed May 27, 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.33d 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 in the amount of \$145, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

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

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of :
Anthony, Anthony A. et al. :
Application No. 60/255,818 : NOTICE
Filed: December 15, 2000 :
Attorney Docket No. X2YA0220P-US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed May 31, 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.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Fredelle D. Jackson/
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

**CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110**

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Application of :
Zhu et al. :
Application No. 60/283,617 :
Filed: August 13, 2001 :
Attorney Docket No. 2009186-0055 :

ON PETITION

This is in response to the petition under 37 CFR 1.59, filed July 1, 2011, to expunge information from the above identified application.

37 CFR 1.59 states in part:

- (a)(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.
- (2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
- (b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and **establish to the satisfaction of the Director that the expungement of the information is appropriate** in which case a notice granting the petition for expungement will be provided. [emphasis added]

The standards for expunging information that was, or should have been, submitted in an application under MPEP section 724.02, including the standards for establishing that the expungement of the information is appropriate, is discussed in MPEP section 724.05 I. This section states that a petition may be filed under 37 CFR 1.59(b), provided that:

- (A) a clear identification of the information to be expunged is provided without disclosure of the details thereof;
- (B) a clear statement is made that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public;
- (C) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

- (D) a statement is made that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information;
- (E) the petition fee as set forth in 37 CFR 1.17(g) is included.

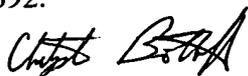
Petitioners have not satisfied item (B) above. The petition does state that "the information...is proprietary material." However, there is no statement that the information has not been otherwise made public. Accordingly, the petition to expunge is dismissed. Petitioners should note that publically available information, such as identifying information on a patented or published file and parent applications to which priority is claimed, is information that has been made public.

In regard to the request that the petitions and petition decision be expunged to prevent public notification of both the existence and location of the proprietary information, it is the policy of the USPTO to ensure as complete a patent file wrapper as possible while preventing unnecessary public disclosure of trade secrets, proprietary material, and protective order material. Office procedures for expunging a document serve to protect trade secrets, proprietary material, and protective order material, but are not available to suppress knowledge of the existence or location of expungement proceedings. Communications related to the requested expungement, which do not include trade secrets, proprietary material, and protective order material, are included in the record to ensure as complete a patent file wrapper as possible. Since this decision does not provide specific proprietary information, it will immediately be made of record in the file of the above identified application.

Currently, the petition, which purports to include proprietary material, is maintained under seal as filed. However, Petitioners must submit a copy of the petition under 37 CFR 1.59 that redacts the sensitive proprietary information allegedly contained therein without disturbing the remainder of the document's contents. The redacted copy of the petition will then be entered into the file of the above identified application. Otherwise, the original petition will be entered into the file of the above identified application in its entirety.

Also, the information to be expunged is open in IFW since the above identified application does not form part of a chain of priority to a publicly available patent or application and is not otherwise publically available. A renewed petition to expunge the information filed May 16, 2011 should be filed that provides a copy of the document redacting the proprietary material without altering material that has already been made public. No further petition fee is required for this renewal.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-6692.



Christopher Bottorff
Petitions Examiner
Office of Petitions



PROPRIETARY – DO NOT SCAN

ATTORNEY'S DOCKET NUMBER: 2009186-0055

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 06 2011

OFFICE OF PETITIONS

Applicant:	Zhu <i>et al.</i>	Examiner:	N/A
Serial No.:	60/283,617	Art Unit:	N/A
Filed:	April 13, 2001	Conf. No.:	3191
Title:	HIGH THROUGHPUT GENERATION AND AFFINITY MATURATION OF HUMANIZED ANTIBODY		

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

Sir:

**PETITION UNDER 37 CFR 1.59(b) TO EXPUNGE
INFORMATION SUBMITTED UNDER MPEP § 724.02 AND/OR
INFORMATION UNINTENTIONALLY SUBMITTED IN AN APPLICATION**

Petitioner submits this Petition under 37 CFR 1.59(b) to expunge information under MPEP § 724.02 or that should have been submitted under MPEP § 724.02. Petitioner submits that the information requested to be expunged is not material to patentability, and therefore qualifies for expungement under MPEP §§ 724.02 and 724.05(I).

Pursuant to MPEP § 724.05(I), the information to be expunged is the following:

- i. The three-page Schedule A appended to the Power of Attorney document filed in the instant case on May 16, 2011;
- ii. This Petition under 37 CFR 1.59(b); and
- iii. The Office's Decision on this Petition under 37 CFR 1.59(b).

Pursuant to MPEP § 724.05(I), the information contained in Schedule A of the Power of Attorney filed May 16, 2011, is proprietary material because a) it comprises a listing of Petitioner's intellectual property as filed with the USPTO, and b) identifies certain proprietary information that is not available to the public. Had Petitioner submitted such proprietary information in a sealed envelope in the filing of May 16, 2011, it would have been accompanied by a Petition under 37 CFR 1.59(b) to expunge information submitted under MPEP § 724.02.

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Therefore, the present submission of this Petition under 37 CFR 1.59(b) to expunge information that should have been submitted under MPEP § 724.02, is proper. Petitioner requests expungement of the entire Schedule A document.

In addition to the proprietary information contained in the Schedule A document filed on May 16, 2011, the instant Petition under 37 CFR 1.59(b) also contains proprietary information because it identifies the presence and location of other proprietary information in the public file wrapper. If the instant Petition under 37 CFR 1.59(b) is made available to the public prior to expungement of the Schedule A document filed on May 16, 2011, the public will be notified of both the existence and location of Petitioner's proprietary information. Therefore, Petitioner also requests expungement of this Petition and the Office's Decision on the Petition. At a minimum, Petitioner requests that the Office not enter into the file wrapper the instant Petition or Decision thereon prior to expungement of the Schedule A document filed in the instant case on May 16, 2011.

Pursuant to MPEP § 724.05(I), Petitioner will retain the expunged information for the period of any patent that may issue from the instant application.

Pursuant to MPEP § 724.05(I), this Petition under 37 CFR 1.59(b) is submitted by, on behalf of, the party in interest who submitted the Power of Attorney filed May 16, 2011.

Pursuant to MPEP § 724.05(I), this Petition under 37 CFR 1.59(b) is accompanied by the fee as set forth in 37 CFR 1.17(g).

Alternatively, Petitioner submits this Petition under 37 CFR 1.59(b) to expunge information unintentionally submitted in an application. Petitioner submits that the information requested to be expunged is not material to patentability, and therefore qualifies for expungement under MPEP § 724.05(II).

Pursuant to MPEP § 724.05(II), the information to be expunged is the following:

- i. The three-page Schedule A appended to the Power of Attorney document filed in the instant case on May 16, 2011;
- ii. This Petition under 37 CFR 1.59(b); and
- iii. The Office's Decision on this Petition under 37 CFR 1.59(b).

As explained above, the information contained in Schedule A of the Power of Attorney filed May 16, 2011, is proprietary material because a) it comprises a listing of Petitioner's intellectual property as filed with the USPTO, and b) identifies certain proprietary information that is not available to the public. The proprietary information of Schedule A was unintentionally submitted as part of the Power of Attorney filed May 16, 2011, and thus the failure to expunge this information from the file wrapper of the instant case would cause irreparable harm to the party in interest on whose behalf the information was submitted.

Pursuant to MPEP § 724.05(II), the instant application has not yet issued as of the filing date of this Petition, and therefore qualifies for expungement under MPEP § 724.05(II).

Pursuant to MPEP § 724.05(II), this Petition under 37 CFR 1.59(b) is submitted by, on behalf of, the party in interest who submitted the Power of Attorney filed May 16, 2011.

Pursuant to MPEP § 724.05(II), this Petition under 37 CFR 1.59(b) is accompanied by the fee as set forth in 37 CFR 1.17(g).

It is Petitioner's understanding that there are no additional fees associated with the present submission beyond the fee under 37 CFR 1.17(g). Should this understanding be in error, Petitioner respectfully requests notification and itemization of any fees that the USPTO believes should be charged. Any such fees that are *essential* to acceptance of the present Petition as complete and timely filed may be Charged to Deposit Account No. 03-1721. Please do not charge any other fees associated with the above-referenced Deposit Account absent explicit instructions with respect to the particular fee. Overpayments may be credited to the Deposit Account at any time.

Respectfully submitted,

Dated: July 1, 2011

/ Brenda Herschbach Jarrell /
Brenda Herschbach Jarrell, PhD, JD
Reg. No. 39,223

PATENT GROUP
CHOATE, HALL & STEWART
Two International Place
Boston, MA 02110
Tel: (617) 248-5175
Fax: (617) 502-5002
bjarrell@choate.com



PROPRIETARY – DO NOT SCAN

ATTORNEY'S DOCKET NUMBER: 2009186-0055
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Zhu <i>et al.</i>	Examiner:	N/A
Serial No.:	60/283,617	Art Unit:	N/A
Filed:	April 13, 2001	Conf. No.:	3191
Title:	HIGH THROUGHPUT GENERATION AND AFFINITY MATURATION OF HUMANIZED ANTIBODY		

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

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JUL 06 2011

Sir:

OFFICE OF PETITIONS

TRANSMITTAL LETTER FOR
SUBMISSION OF PROPRIETARY MATERIALS UNDER MPEP § 724.02

Pursuant to MPEP § 724.02, Petitioner hereby submits the following documents under seal. The documents listed below contain proprietary material not open to the public and are to be reviewed only by an Examiner or other authorized U.S. Patent and Trademark Office employee.

Enclosed are the following documents:

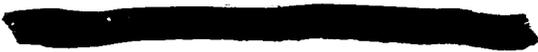
- i. Petition under 37 CFR 1.59(b) (3 pages); and
- ii. Fee of \$200 as set forth in 37 CFR 1.17(g).

Respectfully submitted,

Dated: July 1, 2011

/ Brenda Herschbach Jarrell /
Brenda Herschbach Jarrell, PhD, JD
Reg. No. 39,223

PATENT GROUP
CHOATE, HALL & STEWART
Two International Place
Boston, MA 02110
Tel: (617) 248-5175
Fax: (617) 502-5002
bjarrell@choate.com



ATTORNEY'S DOCKET NUMBER: 2009186-0055

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 06 2011

OFFICE OF PETITIONS

Applicant:	Zhu <i>et al.</i>	Examiner:	N/A
Serial No.:	60/283,617	Art Unit:	N/A
Filed:	April 13, 2001	Conf. No.:	3191
Title:	HIGH THROUGHPUT GENERATION AND AFFINITY MATURATION OF HUMANIZED ANTIBODY		

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

Sir:

**PETITION UNDER 37 CFR 1.59(b) TO EXPUNGE
INFORMATION SUBMITTED UNDER MPEP § 724.02 AND/OR
INFORMATION UNINTENTIONALLY SUBMITTED IN AN APPLICATION**

Petitioner submits this Petition under 37 CFR 1.59(b) to expunge information under MPEP § 724.02 or that should have been submitted under MPEP § 724.02. Petitioner submits that the information requested to be expunged is not material to patentability, and therefore qualifies for expungement under MPEP §§ 724.02 and 724.05(I).

Pursuant to MPEP § 724.05(I), the information to be expunged is the following:

- i. The three-page Schedule A appended to the Power of Attorney document filed in the instant case on May 16, 2011;
- ii. This Petition under 37 CFR 1.59(b); and
- iii. The Office's Decision on this Petition under 37 CFR 1.59(b).

Pursuant to MPEP § 724.05(I), the information contained in Schedule A of the Power of Attorney filed May 16, 2011, is proprietary material because a) it comprises a listing of Petitioner's intellectual property as filed with the USPTO, and b) identifies certain proprietary information that is not available to the public. Had Petitioner submitted such proprietary information in a sealed envelope in the filing of May 16, 2011, it would have been accompanied by a Petition under 37 CFR 1.59(b) to expunge information submitted under MPEP § 724.02.

97/05/2011 LMGUYEN1 00000067 60283617

[REDACTED]

Therefore, the present submission of this Petition under 37 CFR 1.59(b) to expunge information that should have been submitted under MPEP § 724.02, is proper. Petitioner requests expungement of the entire Schedule A document.

In addition to the proprietary information contained in the Schedule A document filed on May 16, 2011, the instant Petition under 37 CFR 1.59(b) also contains proprietary information because it identifies the presence and location of other proprietary information in the public file wrapper. If the instant Petition under 37 CFR 1.59(b) is made available to the public prior to expungement of the Schedule A document filed on May 16, 2011, the public will be notified of both the existence and location of Petitioner's proprietary information. Therefore, Petitioner also requests expungement of this Petition and the Office's Decision on the Petition. At a minimum, Petitioner requests that the Office not enter into the file wrapper the instant Petition or Decision thereon prior to expungement of the Schedule A document filed in the instant case on May 16, 2011.

Pursuant to MPEP § 724.05(I), Petitioner will retain the expunged information for the period of any patent that may issue from the instant application.

Pursuant to MPEP § 724.05(I), this Petition under 37 CFR 1.59(b) is submitted by, on behalf of, the party in interest who submitted the Power of Attorney filed May 16, 2011.

Pursuant to MPEP § 724.05(I), this Petition under 37 CFR 1.59(b) is accompanied by the fee as set forth in 37 CFR 1.17(g).

Alternatively, Petitioner submits this Petition under 37 CFR 1.59(b) to expunge information unintentionally submitted in an application. Petitioner submits that the information requested to be expunged is not material to patentability, and therefore qualifies for expungement under MPEP § 724.05(II).

Pursuant to MPEP § 724.05(II), the information to be expunged is the following:

- i. The three-page Schedule A appended to the Power of Attorney document filed in the instant case on May 16, 2011;
- ii. This Petition under 37 CFR 1.59(b); and
- iii. The Office's Decision on this Petition under 37 CFR 1.59(b).

[REDACTED]

As explained above, the information contained in Schedule A of the Power of Attorney filed May 16, 2011, is proprietary material because a) it comprises a listing of Petitioner's intellectual property as filed with the USPTO, and b) identifies certain proprietary information that is not available to the public. The proprietary information of Schedule A was unintentionally submitted as part of the Power of Attorney filed May 16, 2011, and thus the failure to expunge this information from the file wrapper of the instant case would cause irreparable harm to the party in interest on whose behalf the information was submitted.

Pursuant to MPEP § 724.05(II), the instant application has not yet issued as of the filing date of this Petition, and therefore qualifies for expungement under MPEP § 724.05(II).

Pursuant to MPEP § 724.05(II), this Petition under 37 CFR 1.59(b) is submitted by, on behalf of, the party in interest who submitted the Power of Attorney filed May 16, 2011.

Pursuant to MPEP § 724.05(II), this Petition under 37 CFR 1.59(b) is accompanied by the fee as set forth in 37 CFR 1.17(g).

It is Petitioner's understanding that there are no additional fees associated with the present submission beyond the fee under 37 CFR 1.17(g). Should this understanding be in error, Petitioner respectfully requests notification and itemization of any fees that the USPTO believes should be charged. Any such fees that are *essential* to acceptance of the present Petition as complete and timely filed may be Charged to Deposit Account No. 03-1721. Please do not charge any other fees associated with the above-referenced Deposit Account absent explicit instructions with respect to the particular fee. Overpayments may be credited to the Deposit Account at any time.

Respectfully submitted,

Dated: July 1, 2011

/ Brenda Herschbach Jarrell /
Brenda Herschbach Jarrell, PhD, JD
Reg. No. 39,223

PATENT GROUP
CHOATE, HALL & STEWART
Two International Place
Boston, MA 02110
Tel: (617) 248-5175
Fax: (617) 502-5002
bjarrell@choate.com



ATTORNEY'S DOCKET NUMBER: 2009186-0055

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Zhu *et al.* Examiner: N/A
Serial No.: 60/283,617 Art Unit: N/A
Filed: April 13, 2001 Conf. No.: 3191
Title: HIGH THROUGHPUT GENERATION AND AFFINITY MATURATION OF
HUMANIZED ANTIBODY

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

RECEIVED

JUL 06 2011

Sir:

OFFICE OF PETITIONS

TRANSMITTAL LETTER FOR
SUBMISSION OF PROPRIETARY MATERIALS UNDER MPEP § 724.02

Pursuant to MPEP § 724.02, Petitioner hereby submits the following documents under seal. The documents listed below contain proprietary material not open to the public and are to be reviewed only by an Examiner or other authorized U.S. Patent and Trademark Office employee.

Enclosed are the following documents:

- i. Petition under 37 CFR 1.59(b) (3 pages); and
- ii. Fee of \$200 as set forth in 37 CFR 1.17(g).

Respectfully submitted,

Dated: July 1, 2011

/ Brenda Herschbach Jarrell /
Brenda Herschbach Jarrell, PhD, JD
Reg. No. 39,223

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Fax: (617) 502-5002
bjarrell@choate.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

KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

MAILED

MAY 09 2011

In re Application of	:	OFFICE OF PETITIONS
Kaplitt	:	
Application No. 60/292,604	:	DECISION DISMISSING PETITION
Filed: May 21, 2001	:	
Attorney Docket No. 2573-1-001P	:	

This is a decision on the petition filed March 22, 2011, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of May 22, 2001.

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 1.10."

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on May 22, 2001. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EL806482532US showing a "date-in" of May 22, 2001.

Section 1.10(a) of the Title 37 of the Code of Federal Regulations indicates that correspondence received by the Patent and Trademark Office that was delivered by Express Mail will be considered filed in the Office on the date of deposit with the United States Postal Service. Where there is a discrepancy between the date of deposit as shown on the Express Mail label and the filing date accorded the correspondence by the Office, 37 CFR 1.10(c) provides that an applicant may petition to have the Commissioner accord the correspondence a filing date as of the "date in" on Express Mail label. In accordance with 37 CFR 1.10(c), a successful petition must:

- (1) . . . be filed promptly after the person becomes aware that the Office has accorded or will accord a filing date other than the USPS deposit date;
- 2) [provide] the number on the Express Mail mailing label was placed on a paper(s) or fee(s) that constituted the correspondence prior to the original mailing by Express Mail; and
- (3) . . . include a true copy of the Express Mail mailing label showing the date-in and of any other official notation by the USPS relied upon to show the date of deposit.

The instant petition does not satisfy the requirements of item (1) above.

As to item (1), petitioner has not established that the petition was filed promptly after petitioner discovered that the filing date might be incorrect. Petitioner must explain when petitioner discovered that the application had been accorded an incorrect filing date and what steps were taken to ensure the petition was promptly filed.

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of :
Anthony, Anthony A. et al. :
Application No. 60/302,429 :
Filed: July 02, 2001 :
Attorney Docket No. X2YA0223P-US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed May 31, 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.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Fredelle D. Jackson/
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

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of :
William M. Anthony et al. :
Application No. 60/310,962 :
Filed: August 8, 2001 :
Attorney Docket No. X2YA0224P-US :

ON PETITION

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission filed May 27, 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.33d 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 in the amount of \$145, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of Schafer et al. :
Application No. 60/366,515 :
Filed: March 20, 2002 : **DECISION ON PETITION**
Attorney Docket No. 9516-054-888 :
:

This is a decision on the petition filed May 18, 2011 and supplemented on May 27, 2011 requesting that papers associated with the instant application be rendered consistent with the pertinent data as identified on the stamped postcard receipt mailed by the Office to the applicant. The petition is being considered under the provisions of 37 CFR 1.182.

The petition is **GRANTED** to the extent indicated below.

Petitioner states that:

1. On March 20, 2002, Applicants filed, via U.S. Postal Service, two U.S. Provisional applications, both having the same title: "Methods of Using and Compositions Comprising an Enantiomer of 2-[1-(3-Ethoxy-4-Methoxyphenyl)-2-Methylsulfonylethyl]-4-Acetylaminisoindoline-1,3-Dione."
2. One of the applications contained a 46-page specification and 1 drawing. ("46-page application"). The other application contained a 39-page specification. ("39-page application").
3. Self-addressed postcards itemizing the components of the two applications were included, one for each application. These postcards were subsequently returned to Applicants by mail from the U.S. Patent and Trademark Office (Office), acknowledging receipt of the items listed therein.
4. The Office affixed a sticker assigning serial number 60/366,515 on the postcard for the 46-page application.
5. The Office affixed a sticker assigning serial number 60/366,516 on the postcard for the 39-page application.
6. The Office "erroneously entered the specification of the 46-page application into the file wrapper for U.S. Provisional Application serial number 60/366,516."

7. The Office “erroneously entered the specification of the 39-page application into the file wrapper for U.S. Provisional serial number 60/366,515.”

A review of the file record of the instant application (Application Serial number 60/366,515) indicates the presence of a cover sheet and 39 pages of specification. However, the copy of the postcard receipt, included with the instant petition, indicates the Application Serial number 60/366,515 to be associated with a cover sheet, a specification of 46 pages and (1) drawing sheet. It is noted that the file record of the application bearing the serial number 60/366,516 includes a disclosure consisting of a specification of 46 pages and (1) drawing sheet along with a cover sheet. It appears that the disclosures associated with these two applications were inadvertently switched at the time of scanning the papers into the respective application file records. The Office sincerely regrets the inconvenience caused to the applicants.

In view of the above, the disclosure consisting of a specification of 46 pages and (1) drawing sheet, and the associated cover sheet have now been placed in the file record of the instant application.

Petitioner should contact the Office of Public Records to obtain a certified copy of the instant application. The Office of Public Records may be reached at (571) 272 – 3150, or, at (800) 972 – 6382. Any written communications to the Office of Public Records may be directed to: Office of Public Records, Mail Stop Document Services, Director of USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

Telephone inquiries related to this decision should be addressed to Ramesh Krishnamurthy at (571) – 272-4914.



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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

SEP 3 0 2011

OFFICE OF PETITIONS

In re Application of Schafer et al.
Application No. 60/366,516
Filed: March 20, 2002
Attorney Docket No. 9516-056-888

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition filed May 18, 2011 and supplemented on May 27, 2011 requesting that papers associated with the instant application be rendered consistent with the pertinent data as identified on the stamped postcard receipt mailed by the Office to the applicant. The petition is being considered under the provisions of 37 CFR 1.182.

The petition is **GRANTED** to the extent indicated below.

Petitioner states that:

1. On March 20, 2002, Applicants filed, via U.S. Postal Service, two U.S. Provisional applications, both having the same title: "Methods of Using and Compositions Comprising an Enantiomer of 2-[1-(3-Ethoxy-4-Methoxyphenyl)-2-Methylsulfonyl-ethyl]-4-Acetylaminoisoindoline-1,3-Dione."
2. One of the applications contained a 46-page specification and 1 drawing. ("46-page application"). The other application contained a 39-page specification. ("39-page application").
3. Self-addressed postcards itemizing the components of the two applications were included, one for each application. These postcards were subsequently returned to Applicants by mail from the U.S. Patent and Trademark Office (Office), acknowledging receipt of the items listed therein.
4. The Office affixed a sticker assigning serial number 60/366,515 on the postcard for the 46-page application.
5. The Office affixed a sticker assigning serial number 60/366,516 on the postcard for the 39-page application.
6. The Office "erroneously entered the specification of the 46-page application into the file wrapper for U.S. Provisional Application serial number 60/366,516."

7. The Office “erroneously entered the specification of the 39-page application into the file wrapper for U.S. Provisional serial number 60/366,515.”

A review of the file record of the instant application (Application Serial number 60/366,516) indicates the presence of a cover sheet, a single sheet of drawing and 46 pages of specification. However, the copy of the postcard receipt, included with the instant petition, indicates the Application Serial number 60/366,515 to be associated with a cover sheet, a specification of 46 pages and (1) drawing sheet. It is noted that the file record of the application bearing the serial number 60/366,515 includes a disclosure consisting of a specification of 39 pages and a cover sheet. It appears that the disclosures associated with these two applications were inadvertently switched at the time of scanning the papers into the respective application file records. The Office sincerely regrets the inconvenience caused to the applicants.

In view of the above, the disclosure consisting of a specification of 39 pages and the associated cover sheet have now been placed in the file record of the instant application.

Petitioner should contact the Office of Public Records to obtain a certified copy of the instant application. The Office of Public Records may be reached at (571) 272 – 3150, or, at (800) 972 – 6382. Any written communications to the Office of Public Records may be directed to: Office of Public Records, Mail Stop Document Services, Director of USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

Telephone inquiries related to this decision should be addressed to Ramesh Krishnamurthy at (571) – 272-4914.



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

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Application of :
Zhu et al. :
Application No. 60/403,296 : ON PETITION
Filed: August 12, 2002 :
Attorney Docket No. 2009186-0038 :

This is in response to the petitions under 37 CFR §§ 1.59 and 1.182, filed July 1, 2011, to expunge information from the above identified application and to expedite consideration of the petition to expunge.

The petition to expedite is **granted** and the petition to expunge is **dismissed**.

The requirements of 37 CFR 1.182 to expedite the petition to expunge have been satisfied. Accordingly, the request to expunge information has been processed promptly.

In regard to the petition under 37 CFR 1.59, 37 CFR 1.59 states in part:

(a)(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.

(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and **establish to the satisfaction of the Director that the expungement of the information is appropriate** in which case a notice granting the petition for expungement will be provided. [emphasis added]

The standards for expunging information that was, or should have been, submitted in an application under MPEP section 724.02, including the standards for establishing that the expungement of the information is appropriate, is discussed in MPEP section 724.05 I. This section states that a petition may be filed under 37 CFR 1.59(b), provided that:

- (A) a clear identification of the information to be expunged is provided without disclosure of the details thereof;
- (B) a clear statement is made that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public;
- (C) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (D) a statement is made that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information;
- (E) the petition fee as set forth in 37 CFR 1.17(g) is included.

Petitioners have not satisfied item (B) above. The petition does state that "the information... is proprietary material." However, there is no statement that the information has not been otherwise made public. Accordingly, the petition to expunge is dismissed. Petitioners should note that publically available information, such as identifying information on a patented or published file and parent applications to which priority is claimed, is information that has been made public.

In regard to the request that the petitions and petition decision be expunged to prevent public notification of both the existence and location of the proprietary information, it is the policy of the USPTO to ensure as complete a patent file wrapper as possible while preventing unnecessary public disclosure of trade secrets, proprietary material, and protective order material. Office procedures for expunging a document serve to protect trade secrets, proprietary material, and protective order material, but are not available to suppress knowledge of the existence or location of expungement proceedings. Communications related to the requested expungement, which do not include trade secrets, proprietary material, and protective order material, are included in the record to ensure as complete a patent file wrapper as possible. Since this decision does not provide specific proprietary information, it will immediately be made of record in the file of the above identified application.

Currently, the petitions, which purport to include proprietary material, are maintained under seal as filed. However, Petitioners must submit copies of the petitions under 37 CFR §§ 1.59 and 1.182 that redact the sensitive proprietary information allegedly contained therein without disturbing the remainder of the document's contents. The redacted copy of the petitions will then be entered into the file of the above identified application. Otherwise, the original petitions will be entered into the file of the above identified application in their entirety.

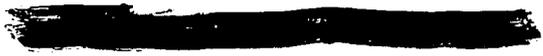
Also, the information to be expunged is closed in IFW and is not publically available since this provisional application is a parent to a published non-provisional application. However, this information will be opened in IFW and available to the public via the child application in the absence of a renewed petition that redacts the sensitive proprietary material in the information to be expunged without disturbing the remainder of the document's contents. That is, a renewed petition to expunge the information filed May 16, 2011 should be filed that provides a copy of

the document redacting the proprietary material without altering material that has already been made public. No further petition fee is required for this renewal.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-6692.

A handwritten signature in black ink, appearing to read "Chris Bottorff". The signature is written in a cursive, somewhat stylized font.

Christopher Bottorff
Petitions Examiner
Office of Petitions



ATTORNEY'S DOCKET NUMBER: 2009186-0038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Zhu, <i>et al.</i>	Examiner:	NYA
Serial No.:	60/403,296	Art Unit:	NYA
Filed:	August 12, 2002	Conf. No.:	2874
Title:	HIGH THROUGHPUT GENERATION AND AFFINITY MATURATION OF HUMANIZED ANTIBODY		

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

RECEIVED

JUL 06 2011

OFFICE OF PETITIONS

Sir:

PETITION UNDER 37 CFR 1.59(b) TO EXPUNGE INFORMATION SUBMITTED UNDER MPEP § 724.02 AND/OR INFORMATION UNINTENTIONALLY SUBMITTED IN AN APPLICATION

Petitioner submits this Petition under 37 CFR 1.59(b) to expunge information under MPEP § 724.02 or that should have been submitted under MPEP § 724.02. Petitioner submits that the information requested to be expunged is not material to patentability, and therefore qualifies for expungement under MPEP §§ 724.02 and 724.05(I).

Pursuant to MPEP § 724.05(I), the information to be expunged is the following:

- i. The three-page Schedule A appended to the Power of Attorney document filed in the instant case on May 16, 2011;
- ii. This Petition under 37 CFR 1.59(b); and
- iii. The Office's Decision on this Petition under 37 CFR 1.59(b).

Pursuant to MPEP § 724.05(I), the information contained in Schedule A of the Power of Attorney filed May 16, 2011, is proprietary material because a) it comprises a listing of Petitioner's intellectual property as filed with the USPTO, and b) identifies certain proprietary information that is not available to the public. Had Petitioner submitted such proprietary information in a sealed envelope in the filing of May 16, 2011, it would have been accompanied by a Petition under 37 CFR 1.59(b) to expunge information submitted under MPEP § 724.02.

Therefore, the present submission of this Petition under 37 CFR 1.59(b) to expunge information

[REDACTED]

that should have been submitted under MPEP § 724.02, is proper. Petitioner requests expungement of the entire Schedule A document.

In addition to the proprietary information contained in the Schedule A document filed on May 16, 2011, the instant Petition under 37 CFR 1.59(b) also contains proprietary information because it identifies the presence and location of other proprietary information in the public file wrapper. If the instant Petition under 37 CFR 1.59(b) is made available to the public prior to expungement of the Schedule A document filed on May 16, 2011, the public will be notified of both the existence and location of Petitioner's proprietary information. Therefore, Petitioner also requests expungement of this Petition and the Office's Decision on the Petition. At a minimum, Petitioner requests that the Office not enter into the file wrapper the instant Petition or Decision thereon prior to expungement of the Schedule A document filed in the instant case on May 16, 2011.

Pursuant to MPEP § 724.05(I), Petitioner will retain the expunged information for the period of any patent that may issue from the instant application.

Pursuant to MPEP § 724.05(I), this Petition under 37 CFR 1.59(b) is submitted by, on behalf of, the party in interest who submitted the Power of Attorney filed May 16, 2011.

Pursuant to MPEP § 724.05(I), this Petition under 37 CFR 1.59(b) is accompanied by the fee as set forth in 37 CFR 1.17(g).

Alternatively, Petitioner submits this Petition under 37 CFR 1.59(b) to expunge information unintentionally submitted in an application. Petitioner submits that the information requested to be expunged is not material to patentability, and therefore qualifies for expungement under MPEP § 724.05(II).

Pursuant to MPEP § 724.05(II), the information to be expunged is the following:

- i. The three-page Schedule A appended to the Power of Attorney document filed in the instant case on May 16, 2011;
- ii. This Petition under 37 CFR 1.59(b); and
- iii. The Office's Decision on this Petition under 37 CFR 1.59(b).

As explained above, the information contained in Schedule A of the Power of Attorney filed May 16, 2011, is proprietary material because a) it comprises a listing of Petitioner's intellectual property as filed with the USPTO, and b) identifies certain proprietary information

[REDACTED]

that is not available to the public. The proprietary information of Schedule A was unintentionally submitted as part of the Power of Attorney filed May 16, 2011, and thus the failure to expunge this information from the file wrapper of the instant case would cause irreparable harm to the party in interest on whose behalf the information was submitted.

Pursuant to MPEP § 724.05(II), the instant application has not yet issued as of the filing date of this Petition, and therefore qualifies for expungement under MPEP § 724.05(II).

Pursuant to MPEP § 724.05(II), this Petition under 37 CFR 1.59(b) is submitted by, on behalf of, the party in interest who submitted the Power of Attorney filed May 16, 2011.

Pursuant to MPEP § 724.05(II), this Petition under 37 CFR 1.59(b) is accompanied by the fee as set forth in 37 CFR 1.17(g).

It is Petitioner's understanding that there are no additional fees associated with the present submission beyond the fees under 37 CFR 1.17(f) and 37 CFR 1.17(g). Should this understanding be in error, Petitioner respectfully requests notification and itemization of any fees that the USPTO believes should be charged. Any such fees that are *essential* to acceptance of the present Petitions as complete and timely filed may be Charged to Deposit Account No. 03-1721. Please do not charge any other fees associated with the above-referenced Deposit Account absent explicit instructions with respect to the particular fee. Overpayments may be credited to the Deposit Account at any time.

Respectfully submitted,

Dated: July 1, 2011

/ Brenda Herschbach Jarrell /
Brenda Herschbach Jarrell, PhD, JD
Reg. No. 39,223

PATENT GROUP
CHOATE, HALL & STEWART
Two International Place
Boston, MA 02110
Tel: (617) 248-5175
Fax: (617) 502-5002
bjarrell@choate.com



PROPRIETARY – DO NOT SCAN

ATTORNEY'S DOCKET NUMBER: 2009186-0038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Zhu, <i>et al.</i>	Examiner:	NYA
Serial No.:	60/403,296	Art Unit:	NYA
Filed:	August 12, 2002	Conf. No.:	2874
Title:	HIGH THROUGHPUT GENERATION AND AFFINITY MATURATION OF HUMANIZED ANTIBODY		

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

RECEIVED

JUL 06 2011

OFFICE OF PETITIONS

Sir:

**PETITION UNDER 37 CFR 1.59(b) TO EXPUNGE
INFORMATION SUBMITTED UNDER MPEP § 724.02 AND/OR
INFORMATION UNINTENTIONALLY SUBMITTED IN AN APPLICATION**

Petitioner submits this Petition under 37 CFR 1.59(b) to expunge information under MPEP § 724.02 or that should have been submitted under MPEP § 724.02. Petitioner submits that the information requested to be expunged is not material to patentability, and therefore qualifies for expungement under MPEP §§ 724.02 and 724.05(I).

Pursuant to MPEP § 724.05(I), the information to be expunged is the following:

- i. The three-page Schedule A appended to the Power of Attorney document filed in the instant case on May 16, 2011;
- ii. This Petition under 37 CFR 1.59(b); and
- iii. The Office's Decision on this Petition under 37 CFR 1.59(b).

Pursuant to MPEP § 724.05(I), the information contained in Schedule A of the Power of Attorney filed May 16, 2011, is proprietary material because a) it comprises a listing of Petitioner's intellectual property as filed with the USPTO, and b) identifies certain proprietary information that is not available to the public. Had Petitioner submitted such proprietary information in a sealed envelope in the filing of May 16, 2011, it would have been accompanied by a Petition under 37 CFR 1.59(b) to expunge information submitted under MPEP § 724.02. Therefore, the present submission of this Petition under 37 CFR 1.59(b) to expunge information

that should have been submitted under MPEP § 724.02, is proper. Petitioner requests expungement of the entire Schedule A document.

In addition to the proprietary information contained in the Schedule A document filed on May 16, 2011, the instant Petition under 37 CFR 1.59(b) also contains proprietary information because it identifies the presence and location of other proprietary information in the public file wrapper. If the instant Petition under 37 CFR 1.59(b) is made available to the public prior to expungement of the Schedule A document filed on May 16, 2011, the public will be notified of both the existence and location of Petitioner's proprietary information. Therefore, Petitioner also requests expungement of this Petition and the Office's Decision on the Petition. At a minimum, Petitioner requests that the Office not enter into the file wrapper the instant Petition or Decision thereon prior to expungement of the Schedule A document filed in the instant case on May 16, 2011.

Pursuant to MPEP § 724.05(I), Petitioner will retain the expunged information for the period of any patent that may issue from the instant application.

Pursuant to MPEP § 724.05(I), this Petition under 37 CFR 1.59(b) is submitted by, on behalf of, the party in interest who submitted the Power of Attorney filed May 16, 2011.

Pursuant to MPEP § 724.05(I), this Petition under 37 CFR 1.59(b) is accompanied by the fee as set forth in 37 CFR 1.17(g).

Alternatively, Petitioner submits this Petition under 37 CFR 1.59(b) to expunge information unintentionally submitted in an application. Petitioner submits that the information requested to be expunged is not material to patentability, and therefore qualifies for expungement under MPEP § 724.05(II).

Pursuant to MPEP § 724.05(II), the information to be expunged is the following:

- i. The three-page Schedule A appended to the Power of Attorney document filed in the instant case on May 16, 2011;
- ii. This Petition under 37 CFR 1.59(b); and
- iii. The Office's Decision on this Petition under 37 CFR 1.59(b).

As explained above, the information contained in Schedule A of the Power of Attorney filed May 16, 2011, is proprietary material because a) it comprises a listing of Petitioner's intellectual property as filed with the USPTO, and b) identifies certain proprietary information

that is not available to the public. The proprietary information of Schedule A was unintentionally submitted as part of the Power of Attorney filed May 16, 2011, and thus the failure to expunge this information from the file wrapper of the instant case would cause irreparable harm to the party in interest on whose behalf the information was submitted.

Pursuant to MPEP § 724.05(II), the instant application has not yet issued as of the filing date of this Petition, and therefore qualifies for expungement under MPEP § 724.05(II).

Pursuant to MPEP § 724.05(II), this Petition under 37 CFR 1.59(b) is submitted by, on behalf of, the party in interest who submitted the Power of Attorney filed May 16, 2011.

Pursuant to MPEP § 724.05(II), this Petition under 37 CFR 1.59(b) is accompanied by the fee as set forth in 37 CFR 1.17(g).

It is Petitioner's understanding that there are no additional fees associated with the present submission beyond the fees under 37 CFR 1.17(f) and 37 CFR 1.17(g). Should this understanding be in error, Petitioner respectfully requests notification and itemization of any fees that the USPTO believes should be charged. Any such fees that are *essential* to acceptance of the present Petitions as complete and timely filed may be Charged to Deposit Account No. 03-1721. Please do not charge any other fees associated with the above-referenced Deposit Account absent explicit instructions with respect to the particular fee. Overpayments may be credited to the Deposit Account at any time.

Respectfully submitted,

Dated: July 1, 2011

/ Brenda Herschbach Jarrell /
Brenda Herschbach Jarrell, PhD, JD
Reg. No. 39,223

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Two International Place
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Tel: (617) 248-5175
Fax: (617) 502-5002
bjarrell@choate.com



ATTORNEY'S DOCKET NUMBER: 2009186-0038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Zhu, <i>et al.</i>	Examiner:	NYA
Serial No.:	60/403,296	Art Unit:	NYA
Filed:	August 12, 2002	Conf. No.:	2874
Title:	HIGH THROUGHPUT GENERATION AND AFFINITY MATURATION OF HUMANIZED ANTIBODY		

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

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JUL 06 2011

OFFICE OF PETITIONS

Sir:

PETITION UNDER 37 CFR 1.182 FOR QUESTIONS NOT SPECIFICALLY PROVIDED FOR

This Petition under 37 CFR 1.182 is submitted to expedite review of the accompanying Petition to Expunge under 37 CFR 1.59(b). Petitioner requests that the Office expedite the handling and review of this filing. The petition fee set forth in 37 CFR § 1.17(f) is submitted herewith.

It is Petitioner's understanding that there are no additional fees associated with the present submission beyond the fees under 37 CFR 1.17(f) and 37 CFR 1.17(g). Should this understanding be in error, Petitioner respectfully requests notification and itemization of any fees that the USPTO believes should be charged. Any such fees that are *essential* to acceptance of the present Petitions as complete and timely filed may be Charged to Deposit Account No. 03-1721. Please do not charge any other fees associated with the above-referenced Deposit Account absent explicit instructions with respect to the particular fee. Overpayments may be credited to the Deposit Account at any time.

Respectfully submitted,

Dated: July 1, 2011

/ Brenda Herschbach Jarrell /
Brenda Herschbach Jarrell, PhD, JD
Reg. No. 39,223

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07/05/2011 LINGUYENI 00000063 60403296
02 FC:1462 400.00 00



ATTORNEY'S DOCKET NUMBER: 2009186-0038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Zhu, *et al.* Examiner: NYA
Serial No.: 60/403,296 Art Unit: NYA
Filed: August 12, 2002 Conf. No.: 2874
Title: HIGH THROUGHPUT GENERATION AND AFFINITY MATURATION OF HUMANIZED ANTIBODY

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

RECEIVED
JUL 06 2011
OFFICE OF PETITIONS

Sir:

TRANSMITTAL LETTER FOR
SUBMISSION OF PROPRIETARY MATERIALS UNDER MPEP § 724.02

Pursuant to MPEP § 724.02, Petitioner hereby submits the following documents under seal. The documents listed below contain proprietary material not open to the public and are to be reviewed only by an Examiner or other authorized U.S. Patent and Trademark Office employee.

Enclosed are the following documents:

- i. Petition under 37 CFR 1.59(b) (3 pages);
- ii. Petition under 37 CFR 1.182 (1 pages);
- iii. Fee of \$200 as set forth in 37 CFR 1.17(g); and
- iv. Fee of \$400 as set forth in 37 CFR 1.17(f).

Respectfully submitted,

Dated: July 1, 2011

/ Brenda Herschbach Jarrell /
Brenda Herschbach Jarrell, PhD, JD
Reg. No. 39,223

PATENT GROUP
CHOATE, HALL & STEWART
Two International Place
Boston, MA 02110
Tel: (617) 248-5175
Fax: (617) 502-5002
bjarrell@choate.com



PROPRIETARY – DO NOT SCAN

ATTORNEY'S DOCKET NUMBER: 2009186-0038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Zhu, <i>et al.</i>	Examiner:	NYA
Serial No.:	60/403,296	Art Unit:	NYA
Filed:	August 12, 2002	Conf. No.:	2874
Title:	HIGH THROUGHPUT GENERATION AND AFFINITY MATURATION OF HUMANIZED ANTIBODY		

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

RECEIVED

JUL 06 2011

OFFICE OF PETITIONS

Sir:

PETITION UNDER 37 CFR 1.182 FOR QUESTIONS NOT SPECIFICALLY PROVIDED FOR

This Petition under 37 CFR 1.182 is submitted to expedite review of the accompanying Petition to Expunge under 37 CFR 1.59(b). Petitioner requests that the Office expedite the handling and review of this filing. The petition fee set forth in 37 CFR § 1.17(f) is submitted herewith.

It is Petitioner's understanding that there are no additional fees associated with the present submission beyond the fees under 37 CFR 1.17(f) and 37 CFR 1.17(g). Should this understanding be in error, Petitioner respectfully requests notification and itemization of any fees that the USPTO believes should be charged. Any such fees that are *essential* to acceptance of the present Petitions as complete and timely filed may be Charged to Deposit Account No. 03-1721. Please do not charge any other fees associated with the above-referenced Deposit Account absent explicit instructions with respect to the particular fee. Overpayments may be credited to the Deposit Account at any time.

Respectfully submitted,

Dated: July 1, 2011

/ Brenda Herschbach Jarrell /
Brenda Herschbach Jarrell, PhD, JD
Reg. No. 39,223

PATENT GROUP
CHOATE, HALL & STEWART
Two International Place
Boston, MA 02110
Tel: (617) 248-5175
Fax: (617) 502-5002
bjarrell@choate.com

~~07/05/2011 LNGUYEN1 00000063 60403296~~
~~02 FC:1463~~ 200.00 OP



PROPRIETARY – DO NOT SCAN

ATTORNEY'S DOCKET NUMBER: 2009186-0038
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Zhu, *et al.* Examiner: NYA
Serial No.: 60/403,296 Art Unit: NYA
Filed: August 12, 2002 Conf. No.: 2874
Title: HIGH THROUGHPUT GENERATION AND AFFINITY MATURATION OF HUMANIZED ANTIBODY

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

RECEIVED
JUL 06 2011
OFFICE OF PETITIONS

Sir:

TRANSMITTAL LETTER FOR
SUBMISSION OF PROPRIETARY MATERIALS UNDER MPEP § 724.02

Pursuant to MPEP § 724.02, Petitioner hereby submits the following documents under seal. The documents listed below contain proprietary material not open to the public and are to be reviewed only by an Examiner or other authorized U.S. Patent and Trademark Office employee.

Enclosed are the following documents:

- i. Petition under 37 CFR 1.59(b) (3 pages);
- ii. Petition under 37 CFR 1.182 (1 pages);
- iii. Fee of \$200 as set forth in 37 CFR 1.17(g); and
- iv. Fee of \$400 as set forth in 37 CFR 1.17(f).

Respectfully submitted,

Dated: July 1, 2011

/ Brenda Herschbach Jarrell /
Brenda Herschbach Jarrell, PhD, JD
Reg. No. 39,223

PATENT GROUP
CHOATE, HALL & STEWART
Two International Place
Boston, MA 02110
Tel: (617) 248-5175
Fax: (617) 502-5002
bjarrell@choate.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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

AUG 17 2011

OFFICE OF PETITIONS

In re Application of
Hart, et al.
Application No.: 60/467,235
Filed: April 30, 2003
Attorney Docket No. **6750-196-888**

:
:
: ON PETITION
:
:

This is in response to the petition under 37 CFR 1.137(b) filed July 26, 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. 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)."

A "Notice to File Missing Parts of Provisional Application" (the "Notice") was mailed by the Office on October 19, 2005, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). No response was received within allowed period, and the application became abandoned on December 20, 2006.

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

- (1) the required reply, unless previously filed. In a non-provisional 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 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(c).

The instant petition does not satisfy the requirements of item (1) above.

In re Application No. 60/467,235

As to item (1), the Notice of October 19, 2005, required a provisional coversheet under 37 CFR 1.51(c)(1) to be filed setting forth either the city and state or city and foreign country of the residence of each inventor. Such was not found with the instant petition. The renewed petition must be accompanied by a provisional coversheet.

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 instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

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

By mail: Mail Stop Petitions
 Commissioner for Patents
 United States Patent and Trademark Office
 Box 1450
 Alexandria, VA 22313-1450

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
Philip C. Strassburger
One Stamford Forum
Stamford, CT 06901



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED

OCT 20 2011

OFFICE OF PETITIONS

In re Application of :
Hart, et al. :
Application No. 60/467,235 :
Filed: April 30, 2003 :
Attorney Docket No. 6750-196-888 :

ON PETITION

This is a decision on the "Renewed Petition to Revive Under 37 CFR 1.137(b), filed September 28, 2011. The petition will be treated as a petition under 37 CFR 1.181(a) to withdraw the holding of abandonment.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

A review of the application file record reveals that the application was filed on April 30, 2003. On June 20, 2003, a Notice to File Missing Parts of Provisional Application was mailed requiring applicants to file a provisional coversheet and pay a surcharge for the late filing of the same. It is noted that the copy of this notice is not contained in the Image File Wrapper for this application, but is found in the physical file of the application and noted in USPTO PALM records. On December 17, 2003, applicants filed a provisional coversheet correcting the deficiencies noted by the Notice of June 3, 2003, paid the \$50.00 surcharge, and paid for an extension of time within the fourth month necessary to make the December 17, 2003, response timely. Notwithstanding, the USPTO mailed a Notice to File Missing Parts of Provisional Application on October 19, 2005, again requiring the provisional coversheet.

The petition filed on July 26, 2011, and the instant petition was filed in an effort to address the inconsistency in the Notice mailed October 19, 2005, which was mailed after the provisional application expired at midnight on April 30, 2004.

The review of the application file history reveals that the application was never abandoned because a proper and timely response to the Notice to File Missing Parts of Provisional Application was filed on December 17, 2003. Accordingly, the Notice mailed October 19, 2005, is vacated. The provisional application, though never abandoned, expired by operation of law at midnight on April 30, 2004.

It is noted that Image File Wrapper for the application does not contain a copy of the provisional coversheet filed December 17, 2003. Applicants provided a copy of the same with the petition filed September 28, 2011. Such is noted and made of record in the Image File Wrapper.

There is no fee for the instant petition. The amount of \$1,620.00 will be refunded, in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
Philip C. Strassburger
One Stamford Forum
Stamford, CT 06901



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED
SEP 06 2011
OFFICE OF PETITIONS

In re Application of :
Steve C. Anderson et al. :
Application No. 60/467,243 : DECISION ON PETITION
Filed: April 30, 2003 :
Attorney Docket No. 6750-197-888 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 2011, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

The Notice to File Missing Parts (mailed October 19, 2005) and the Notice of Abandonment (mailed July 30, 2008) were both mailed after the twelve month provisional time period. The case was never abandoned during the twelve month period.

The petition fee of \$1,620 will be refunded to petitioner's credit card.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Philip C. Strassburger
One Stamford Forum
Stamford, CT 06901



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017**

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of :
Steve C. Anderson et al. :
Application No. 60/467,243 :
Filed: April 30, 2003 :
Attorney Docket No. 6750-197-888 :

**CORRECTED DECISION ON
PETITION**

This is a corrected decision on the petition under 37 CFR 1.137(b), filed July 26, 2011, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **DISMISSED AS BEING MOOT**.

A review of the record shows that a Notice to File Missing Parts was mailed June 18, 2003, which set a shortened statutory period for reply of three (2) months. A response was received on December 17, 2003, along with a four month extension of time, which was timely filed.

In view of the above, the Notice to File Missing Parts, mailed October 19, 2005 and the Notice of Abandonment, mailed July 30, 2008 is hereby vacated and the holding of abandonment withdrawn.

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 petition fee of \$1,620 was refunded on September 6, 2011.

Telephone inquiries concerning this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

Accordingly, this application is being referred to the Office of Data Management for processing.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Philip C. Strassburger
One Stamford Forum
Stamford, CT 06901



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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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

MAILED
OCT 13 2010
OFFICE OF PETITIONS

In re Application: :
Spiridon Spireas :
Application No. 60/551,257 :
Filed: March 8, 2004 :
Attorney Docket No. MPC1-0139 :

ON PETITION

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.

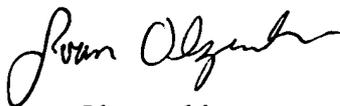
Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This provisional application expired March 9, 2005 and is no longer entitled to small entity status.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent 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 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
Petitions Examiner
Office of Petitions

cc: Lynn M. Warren Stewart
Cantor Colburn, LLP
20 Church Street
22nd Floor
Hartford, CT 06103



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 23 2010

OFFICE OF PETITIONS

**RIGEL PHARMACEUTICALS INC.
C/O FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304**

Application No. 60/590,789 :
Filed: July 23, 2004 :
Manjeet Parmor : **DECISION ON PETITION**
Attorney Docket No. 064311-1900 :

This is a decision on the petition for expungement of information, filed April 29, 2010, which is being treated as petitions under 37 CFR 1.182 to invalidate an assignment previously recorded against the above-identified application.

The petition is **dismissed**. This is not a final agency action.

Petitioner indicates an assignment recorded on August 15, 2005 was erroneously filed for the above identified application and requests this assignment record be expunged from the file.

As discussed in section 323.01(d) of the Manual of Patent Examining Procedure (MPEP), petitions to correct, modify or "expunge" assignment records are granted only if the petitioner can prove that:

- (A) the normal corrective procedures outlined in MPEP § 323.01(a) through §323.01(c) will not provide the petitioner with adequate relief; and
- (B) the integrity of the assignment records will not be affected by granting the petition.

In regard to B, petitioner has not sufficiently explained how the removal of a document in its entirety will not affect the assignment records. The removal of a document in its entirety will affect the assignment records. The integrity of the records is recognized as separate from the chain of title, and the USPTO endeavors to maintain a complete history of claimed interests in a given property to permit, among other things, the review of matters like chain of title by a competent authority.

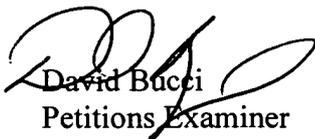
Moreover, petitioner seeks an extraordinary remedy, properly addressed under 37 CFR 1.182. The USPTO will not normally resort to an extraordinary remedy under 37 CFR 1.182 if the rules of practice and the procedures before the USPTO already provide an avenue for the requested relief. See Cantello v. Rasmussen, 220 USPQ 664, (Comm'r Pats. 1982).

As set forth in MPEP 323, an error in a recorded assignment is not corrected by invalidating the previous document, but by simply submitting a "corrective document". The "corrective document" must include 1) a copy of the original assignment document with the corrections made therein. The corrections must be initialed and dated by the party conveying the interest; and 2) a new Recordation Form Cover Sheet (form PTO-1595). The new recordation form cover sheet must identify the submission as a "corrective document" submission and indicate the reel and frame number where the incorrectly recorded assignment document appears. The person signing the new recordation form cover sheet must state that the information provided on the new cover sheet is true and correct and that any copy submitted is a true copy of the original document. The original cover sheet should be submitted with the corrective document. The corrective document will be recorded and given a new reel and frame number and recording date. The recording fee set forth in 37 CFR 1.21(h) is required for each patent application and patent against which the corrective document is being recorded. See MPEP § 302.06. Corrections may be made on the original assignment document, for example, by lining out an incorrect patent or application number in a merger or change of name (see MPEP §314). As a request for the Office to invalidate an assignment is both extraordinary and contrary to USPTO policy, this petition must be dismissed.

As background, the USPTO simply acts in a ministerial capacity in recording documents that have been submitted for recordation. See 35 USC 261 and 37 CFR 3.11. However, the recording of a document pursuant to 37 CFR 3.11 is **not** a determination by the USPTO of the validity of the document *per se* or the effect that document has on the title to a patent or application. See 37 CFR 3.54. Moreover, it is USPTO policy to maintain a complete history of claimed interests in a given property, and, as such, a recorded assignment document will be retained, even if it is subsequently found to be invalid. In re Raney, 24 USPQ2d 1713 (Comm'r Pat. 1992).

In addition, only \$200.00 was paid due to the erroneous assumption that the petition was properly filed under 37 CFR 1.59. A petition under 37 CFR 1.59 applies to application files, not assignment records. Thus, a petition to expunge assignment documents is properly addressed under 37 CFR 1.182 and a fee of \$400.00 is required. An additional \$200.00 has been charged to petitioner's deposit account.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571)272-6842.


David Bucci
Petitions Examiner
Office of Petitions

Cc: Gillian Gardner
One World Trade Center, Suite 1600
121 S.W. Salmon Street



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Darren Rush
831 3rd St #101
Santa Monica CA 90403

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Darren Leslie Rush :
Application No. 60/612,024 : **ON PETITION**
Filed: September 22, 2004 :
Attorney Docket No. :

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

The petition is **DISMISSED AS MOOT**.

The application was filed September 22, 2004. As noted in 35 USC 111(b)(5), "*upon timely request and as prescribed by the Director, a provisional application may be treated as an application filed under subsection (a). Subject to section 119(e)(3) of this title, if no such request is made, the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period.*" As no request for conversion of the instant application to a non-provisional application was timely made, the instant application became abandoned at midnight on September 22, 2005, through operation of law.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

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

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

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

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



JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Michael Ananian
 PERKINS COIE LLP
 3150 Porter Drive
 Palo Alto, CA 94304



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
OCT 07 2010
OFFICE OF PETITIONS

In re Application of :
Patrick Fisher :
Application Number: 60/624,882 : DECISION GRANTING PETITION
Filing Date: 11/03/2004 :
Attorney Docket Number: 2101- :
9025- :

This is a decision in reference to the petition filed on November 2, 2005, which is treated as a petition filed under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of November 3, 2004, rather than the currently-accorded filing date of November 4, 2004.

Petitioner asserts that the application was deposited in the USPS "Express Mail" Post Office to Addressee Service on November 3, 2004. In support, petitioner has provided a copy of the USPS Internet Track & Confirm database printout showing that Express Mail Label No. EV519262545US (the same Express Mail label number placed on the itemized Provisional Application For Patent Cover Sheet deposited with the original application papers), was accepted by the USPS on November 3, 2004.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on November 3, 2004, as shown by the USPS Track/Confirm printout. Accordingly, this application is entitled to a filing date of November 3, 2004, and has been so accorded.

In view of the above, the petition is GRANTED.

This application file is being referred to the Office of Patent Application Processing (OPAP) for **correction of the filing date**

to November 3, 2004, and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3231. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



C. STEVEN MCDANIEL
MCDANIEL & ASSOCIATES, P.C.
P.O. BOX 2244
AUSTIN TX 78768

MAILED

OCT 14 2010

OFFICE OF PETITIONS

In re Application of
C. Steven McDaniel et al.
Application No. 60/648,576
Filed: January 31, 2005
Attorney Docket No: RACT-00500

:
: DECISION GRANTING
: PETITION
:

This is a decision on the "PETITION TO CORRECT PRIORITY DATE OF APPLICATION", filed April 23, 2010, requesting that the above referenced application be accorded a filing date of January 31, 2005 rather than the presently accorded filing date of June 21, 2005. The petition is being treated under 37 CFR 1.182.

The petition is **GRANTED**.

After the application was filed, a "Notice of Incomplete Application Papers" was mailed on April 22, 2005 stating that no filing date had been assigned because the application was deposited without drawings. The "Notice" set a two (2) month period for response and advised that the filing date would be the date of receipt of the drawings or that by petition, it could be asserted that the drawings had been previously submitted or that the drawings were not necessary.

In response, on June 21, 2005, petitioner filed nine sheets of drawings (Figures 1-8) and an explanation that "Applicant does not believe said drawings are ""necessary for the understanding of the subject matter sought to be patented"." The application was thereby accorded the filing date of the response and the drawings received on June 21, 2005.

The instant petition, however, argues that pursuant to MPEP 601.01(f), the application as filed is entitled to the original filing date of January 31, 2005.

MPEP 601.01(f) provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date.

A review of the application as filed reveals that the application contains at least one process, one method and one composition claim. In view of the presence of the process and method claims, it is concluded that this application is entitled to the original filing date. The "Notice of Incomplete Nonprovisional Application" mailed April 22, 2005 was mailed in error.

Since this is a provisional application, petitioner is reminded that no amendment/corrections, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to a provisional application after the filing date of the provisional application. See 37 CFR 1.53(c); 37 CFR 1.121(j). As such, if petitioners desire to have the drawings included, petitioners should file a new completed provisional application.

This matter is being referred to the Office of Patent Application Processing for a correction of the filing date to January 31, 2005, not June 21, 2005, using only the application papers filed on that date, and for an indication on the bib-data sheet that no (0) sheets of drawings were present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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MAILED
AUG 25 2010
OFFICE OF PETITIONS

Rikard Berthilsson
Cognimatics AB, Tulpangatan 10
Furulund 24460 SE SWEDEN

In re Application of :
Rikard Berthilsson, et al. :
Application No. 60/662,880 : **DECISION ON PETITION**
Filed: March 18, 2005 :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed April 7, 2005. 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 8, 2005. The Notice of Abandonment was mailed January 13, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a \$20 basic filing fee and the \$25 surcharge, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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 on the reply received.



Terri Johnson
Petitions Examiner
Office of Petitions

cc: **HARNES, DICKEY & PIERCE, P.L.C.**
John A. Castellano
P.O. Box 8910
Reston, VA 20195



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INGRASSIA FISHER & LORENZ, P.C. (GM)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Application of :
Thomas et al. :
Application No.: 60/703651 :
Filing or 371(c) Date: 07/29/2005 :
Attorney Docket Number: :
SECURE SERIAL DATA :
COMMUNICATION DUAL PATH METHOD :

**DECISION ON
PETITION**

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed September 7, 2010.

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 August 16, 2005. 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 October 17, 2005. A Notice of Abandonment was mailed April 21, 2006.

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



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2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

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SEP 01 2011

OFFICE OF PETITIONS

In re Application of :
Kaempf, Ralf :
Application No. 60/761,648 : NOTICE
Filed: January 24, 2006 :
Attorney Docket No. 5000.P0091US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed August 9, 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**.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN TX 78716-0727

MAILED

JAN 13 2011

OFFICE OF PETITIONS

**DECISION DISMISSING
PETITION**

In re Application of
Rofougaran et al.
Application No. 60/790,515
Filed: April 6, 2006
Attorney Docket No. BP5330

:
:
:
:
:

This is a decision on the petition filed October 4, 2010, requesting that the above-identified application be accorded a filing date of April 6, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicants have submitted a copy of Express Mail label No. EV 766421498 US, showing no "date-in" postal date entry, but with a USPS receipt stamp dated April 6, 2006. Further, the same Express Mail receipt number was placed on the original Provisional Application For Patent Cover Sheet of record in the official file.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on April 6, 2006. Accordingly, this application is entitled to a filing date of April 6, 2006, and has been so accorded.

In view of the above, the petition is **GRANTED**.

A corrected Official Filing Receipt was mailed to applicant on October 22, 2010.

The above-identified provisional application expired April 7, 2007.

Telephone inquiries relating to this decision should be directed to Joan Olszewski at (571) 7751. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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**CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112**

**MAILED
JUL 19 2011
OFFICE OF PETITIONS**

In re Application of :
James K. Macklin Jr. :
Application No. 60/805,088 : DECISION ON PETITION
Filed: June 18, 2006 :
Attorney Docket No. 17482-003PV :

This is a decision on the petition under 37 CFR 1.59(b), filed June 3, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that specified pages and sections of an appendix to the application, filed June 18, 2008, be expunged from the record. Petitioner states the pages and sections may contain confidential customer information.

However, 37 CFR 1.59(a)(2) states:

Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

Accordingly, the specified portions of the appendix document will not be expunged from the record pursuant to 37 CFR 1.59(b). Moreover, petitioner has not established that an extraordinary situation exists in which justice requires the requested expungement pursuant to a waiver of 37 CFR 1.59(a)(2) under 37 CFR 1.183, as discussed in MPEP 724.05 IV.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6842.


Carl Friedman
Petitions Examiner
Office of Petitions



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STATTLER-SUH PC
60 SOUTH MARKET
SUITE 480
SAN JOSE CA 95113

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Application:	:	
Marc J. Loinaz	:	
Application No. 60/810,226	:	ON PETITION
Filed: June 1, 2006	:	
Attorney Docket No. AELU.P0017P	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 1, 2010.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

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

Joan Olszewski
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

In re
Kaempf
Application No. 60/816,758
Filed: June 27, 2006
Attorney Docket No. 5000.P0105US

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed August 9, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$120 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



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NOV 16 2010
OFFICE OF PETITIONS

In re Application: :
Sidiropoulos et al. :
Application No. 60/844,232 : ON PETITION
Filed: September 12, 2006 :
Attorney Docket No. AELU.P0018P :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 1, 2010.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

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

Joan Olszewski
Petitions Examiner
Office of Petitions



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Biomimetic Therapeutics Inc.
c/o Morrison & Foerster LLP
755 Page Mill Road
Palo Alto CA 94304-1018

MAILED
APR 12 2011
OFFICE OF PETITIONS

In re Application of :
Hart et al. :
Application No. 60/859,809 : **NOTICE**
Filed: November 17, 2006 :
Attorney Docket No. 597793000102 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed March 3, 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**.

Pursuant to petitioners' authorization, deposit account no. 03-1952 will be charged \$120.00.

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) 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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JUN 15 2011

OFFICE OF PETITIONS

In re Application: :
Robert Frost :
Application No. 60/860,413 : **ON PETITION**
Filed: November 21, 2006 :
Attorney Docket No. 5000.P0118US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed May 2, 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 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/
Joan Olszewski
Petitions Examiner
Office of Petitions



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COLLARD & ROE, PC
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

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NOV 10 2010

OFFICE OF PETITIONS

In re Application of :
Johannes Martin, et al. :
Application No. 60/897,015 :
Filed: January 23, 2007 :
Attorney Docket No. MARTIN ET AL-4 :

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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NORMAN F. HAINER, JR.
SMITH & NEPHEW, INC.
150 MINUTEMAN ROAD
ANDOVER MA 01801

MAILED
MAY 12 2011
OFFICE OF PETITIONS

In re Application of :
Rose et al. :
Application No. 60/912,740 : ON PETITION
Filed: 04/19/2007 :
Attorney Docket Number: PT- :
3228-US-PSP :

This is a decision on the petition for correction of inventorship under 37 CFR 1.182, filed on May 6, 2011. This is also a decision on the petition for expedited consideration of the above-referenced petition.

The petitions are **GRANTED**.

Petitioners request that the family name of the fourth-named inventor be corrected from "Montes DeOca" to "Montes De Oca Balderas".

Office PALM records have been corrected to reflect the correct inventors' names. A corrected Filing Receipt is attached.

Receipt of the petition fee is acknowledged.

There is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be mailed. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the

Application No. 60/912,740

2

address of record until such time as appropriate instructions are received to the contrary.

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: Corrected Filing Receipt

cf: OSHA - LIANG LLP
909 FANNIN ST, STE. 3500
HOUSTON TX 77010



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(e) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY DOCKET NO, TOT CLAIMS, IND CLAIMS. Values: 60/912,740, 04/19/2007, 200, PT-3228-US-PSP.

68622
NORMAN F. HAINER, JR.
SMITH & NEPHEW, INC.
150 MINUTEMAN ROAD
ANDOVER, MA 01801

CONFIRMATION NO. 5326
CORRECTED FILING RECEIPT



Date Mailed: 05/12/2011

Receipt is acknowledged of this provisional patent application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. 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)

John Rose, Collierville, TN;
Mason Bettenga, Memphis, TN;
Malcolm Brown, Yorkshire, UNITED KINGDOM;
Horacio Montes De Oca Balderas, York, UNITED KINGDOM;

Power of Attorney:

Norman Hainer Jr--55239

If Required, Foreign Filing License Granted: 04/27/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 60/912,740

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Shape Memory Sleeves For Implant Fixation

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 Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

MAILED

APR 03 2012

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Hipple et al. :
Application No. 60/925,560 :
Filed: April 19, 2007 :
Attorney Docket No. MCDS-00100 :

This is a response to the petition under 37 CFR 1.183, filed February 17, 2012, to waive the prohibition in 37 CFR 1.59 against expunging a portion of the original disclosure and to expunge portions of the original specification from the above identified provisional application.

The petition is **granted**.

The petition asserts that proprietary or trade secret information was inadvertently presented in the specification filed with the above identified provisional application. Applicant requests that pages 5 and 8-126 of the specification be expunged and pages 4, 6, and 7 of the original specification be replaced with the redacted version presented with the petition. Pages 4, 6, and 7 redact the proprietary or trade secret information without disturbing the remainder of the original specification content.

37 CFR 1.59 states in part:

- (a)(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.
- (2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
- (b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

The standards for expunging information that is unintentionally submitted in an application, including the standards for establishing that the expungement of the information is appropriate, is

discussed in MPEP section 724.05 II. This section states that a petition may be filed under 37 CFR 1.59(b), provided that:

- (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
- (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
- (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

MPEP 724.05 IV explains that the provision of 37 CFR 1.59(a)(2) may be waived under 37 CFR 1.183 where an extraordinary situation exists in which justice requires the requested expungement of information forming part of the original disclosure .

The presence of the proprietary or trade secret information in the original specification, as discussed by Applicant, represents an extraordinary situation in which justice requires the requested expungement. Also, the further requirements of 37 CFR 1.59 are satisfied. Therefore, pages 5 and 8-126 of the original specification will be expunged and pages 4, 6, and 7 of the original specification will be expunged in favor of the redacted version presented with the petition.

The official record for the above identified application is maintained as an electronic Image File Wrapper (IFW) and there is no paper record from which the information can be physically removed. The expunged information will be "closed" in the electronic IFW and removed from the listing of publicly available documents. Pages 1-3, 127, and 128 of the original specification will remain on the record, and the redacted version of the original specification pages 4, 6, and 7 will remain on the record as a replacement for the expunged pages 4, 6, and 7 of the original specification. This will ensure that the portions of the original specification that do not present confidential, proprietary, and trade secret information are not removed. Also, this decision will remain on the record to provide clarity as to why information was expunged.

As a condition of this favorable treatment petitioner is required to maintain the material in question during the enforceable life of any patent arising from this application, or any patent claiming benefit of this application.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.



Christopher Bottorff
Petitions Examiner
Office of Petitions



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GREER, BURNS & CRAIN
300 S. WACKER DR.
25TH FLOOR
CHICAGO IL 60606

MAILED

FEB 24 2011

OFFICE OF PETITIONS

In re application of :
Victor C. Elarde et al :
Application No. 60/927,721 :
Filed: May 4, 2007 :
Attorney Docket No. 1201.78198 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on November 1, 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**.

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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UNIVERSITY OF VIRGINIA PATENT FOUNDATION
250 WEST MAIN STREET, SUITE 300
CHARLOTTESVILLE VA 22902

MAILED
SEP 15 2011
OFFICE OF PETITIONS

In re Application of :
Chen et al. :
Application No. 60/930882 :
Filing or 371(c) Date: 05/18/2007 : DECISION
Attorney Docket Number: : ON PETITION
01406-01 :

This is a decision on the "Request for Correction of Filing Receipt," filed September 6, 2007, requesting, inter alia, that the above-identified application be accorded a filing date of May 18, 2007, rather than the presently accorded filing date of May 17, 2007. The request is properly treated as a petition under 37 CFR 1.10(d).

Petitioner alleges that the application was deposited in Express Mail service on May 18, 2007. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that May 18, 2007, was the date the correspondence was deposited Express Mail Post Office to Addressee.

In view of the above, the petition is **granted**.

This application file will be forwarded to the Office of Patent Application Processing for

-correction of the filing date to May 18, 2007;

for the mailing of a corrected filing receipt;

and continued processing in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

MAILED
NOV 30 2010
OFFICE OF PETITIONS

In re Application of Fecht et al. :
Application No. 60/958,990 : Letter
Filing Date: July 10, 2007 :
Attorney Docket No. 5000.P0140US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 C.F.R. § 1.28(c) filed May 15, 2009.

The deficiency payment of \$120 is hereby accepted.

The change of status to large entity has been entered and made of record.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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FRED ZOLLINGER III
P.O. BOX 2368
NORTH CANTON OH 44720

MAILED
JAN 10 2011
OFFICE OF PETITIONS

In re Application of :
CARPENTER et al. :
Application No. 60/974,455 : NOTICE
Filed: 09/22/2007 :
Attorney Docket No. LS :

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 22, 2010.

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) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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DW May-11

NORMAN F. HAINER, JR.
SMITH & NEPHEW, INC.
150 MINUTEMAN ROAD
ANDOVER MA 01801

MAILED
MAY 12 2011
OFFICE OF PETITIONS

In re Application of :
Howling et al. :
Application No. 60/988,640 : ON PETITION
Filed: 11/16/2007 :
Attorney Docket No. PT-3222-US- :
PSP[2] :

This is a decision on the petition for correction of inventorship under 37 CFR 1.182, filed on May 6, 2011. This is also a decision on the petition for expedited consideration of the above-referenced petition.

The petitions are **GRANTED**.

Petitioners request that the family name of the sixth-named inventor be corrected from "Montes De Oca" to "Montes De Oca Balderas".

Office PALM records have been corrected to reflect the correct inventors' names. A corrected Filing Receipt is attached.

Receipt of the petition fee is acknowledged.

There is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be mailed. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the

Application No. 60/988,640

2

address of record until such time as appropriate instructions are received to the contrary.

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: Corrected Filing Receipt

cf: OSHA - LIANG LLP
909 FANNIN ST, STE. 3500
HOUSTON TX 77010



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 60/988,640, 11/16/2007, 260, PT-3222-US-PSP[2]

68622
NORMAN F. HAINER, JR.
SMITH & NEPHEW, INC.
150 MINUTEMAN ROAD
ANDOVER, MA 01801

CONFIRMATION NO. 1151
CORRECTED FILING RECEIPT



Date Mailed: 05/12/2011

Receipt is acknowledged of this provisional patent application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. 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)

- Graeme Howling, York, UNITED KINGDOM;
Rhianna Moss, York, UNITED KINGDOM;
Dean Hughes, Memphis, TN;
Jeff Yeager, Memphis, TN;
Malcolm Brown, Yorkshire, UNITED KINGDOM;
Horacio Montes De Oca Balderas, York, UNITED KINGDOM;

Power of Attorney:

Norman Hainer Jr--55239

If Required, Foreign Filing License Granted: 11/28/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 60/988,640

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Joint Prosthesis

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 Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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**GREENLEE SULLIVAN P.C.
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301**

MAILED

FEB 01 2011

OFFICE OF PETITIONS

In re Application: :
Bonci et al. :
Application No. 61/048,047 : **ON PETITION**
Filed: April 25, 2008 :
Attorney Docket No. 46-08P :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 2, 2010.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This provisional application expired April 26, 2009 and is no longer entitled to small entity status.

Additionally, petitioner has submitted \$105.00 towards the required \$115.00 fee deficiency submission, thus creating a \$10.00 shortage. This shortage will be charged to petitioner's deposit account as authorized December 2, 2010.

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

Joan Olszewski
Petitions Examiner
Office of Petitions