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ARENA PHARMACEUTICALS, INC.
6166 NANCY RIDGE DRIVE
SAN DIEGO CA 92121

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Anthony C. BLACKBURN et al. :
Application No. 61/396,752 :
Filed: June 02, 2010 :
Attorney Docket No. 193.US1.PRO :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53(c) filed July 30, 2010, in response to the Office action mailed June 30, 2010.

The petition is **GRANTED**.

On, June 30, 2010 the Office mailed a Notice of Incomplete Provisional Application indicating that a filing date has not been accorded because the application was deposited without drawings.

Petitioner asserts that the application was deposited with drawings. The petitioner has provided the Office with copies of the missing drawings and a postcard receipt with the USPTO date-stamped of June 02, 2010.

In view of the petition, the Office acknowledges the receipt of the alleged missing figures. Accordingly, this application is entitled to a filing date of June 02, 2010.

The $400.00 petition fee has been credited to petitioner's deposit account.

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 documents 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.

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

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

Thurman Page
Petitions Examiner
Office of Petitions

cc: **LAUREN STEVENS**
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

MAILED
MAR 21 2012
OFFICE OF PETITIONS

In re Application of	:	
Anthony C. BLACKBURN	:	
Application No. 61/396,752	:	DECISION ON PETITION
Filed: June 02, 2010	:	
Attorney Docket No. 098817-1931	:	

This is a decision on the petition under 37 CFR 1.182, filed, August 24, 2011, to change the name of inventor "Hanna Shyfryna" to – Anna Shifrina --.

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.

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

A corrected filing receipt was mailed August 31, 2011.

The provisional application is expired as of June 05, 2011

Thurman K. Page
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/396,752	06/02/2010		220	098817-1931		

CONFIRMATION NO. 5221

CORRECTED FILING RECEIPT

99951
Foley & Lardner LLP
975 Page Mill Road
Palo Alto, CA 94304

Date Mailed: 08/31/2011

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)

Anthony C. Blackburn, San Diego, CA;
Anna Shifrina, San Diego, CA;

Power of Attorney: The patent practitioners associated with Customer Number 99951

If Required, Foreign Filing License Granted: 12/30/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/396,752**

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

Non-Publication Request: No

Early Publication Request: No

Title

Processes for the preparation of 5-HT2C receptor agonists

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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WHITAKER, CHALK, SWINDLE & SAWYER, LLP
301 COMMERCE STREET
Suite 3500
FORT WORTH TX 76102-4186

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of :
Tommie M. Hawkins, Jr. :
Application No. 61/397196 :
Filing or 371(c) Date: 06/08/2010 :
Title of Invention: AUTOMATIC COFFEE :
MAKER WITH CUP WARMER(S) (AKA) – :
ALSO KNOWN AS AUTOMATIC COFFEE :
MAKER WITH CUP / DECANTER : DECISION
WARMER(S) : ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed August 2, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed July 21, 2010. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned September 22, 2010. A Notice of Abandonment was mailed March 30, 2011.

Applicant files the present petition and Substitute Specification 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 processing of the reply to the Notice in due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON MA 02210-2604

MAILED

SEP 17 2010

OFFICE OF PETITIONS

In re Application of :
Carlton et al. :
Application No. 61/397,453 : DECISION ON PETITION
Filed: June 10, 2010 :
Attorney Docket No. 101328-309 :

This is a decision on the petition filed July 14, 2010, requesting that the above- identified application be accorded a filing date of June 10, 2010, rather than the presently accorded date of June 11, 2010. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS)as Express Mail on June 10, 2010, pursuant to 37 CFR 1.10. Applicants have submitted a copy of Express Mail label No. EV 449304927 US, showing a June 10, 2010 "date-in" postal date entry, along with a USPS receipt stamp dated June 10, 2010. The same Express Mail receipt number was placed on the original patent application transmittal letter of record in the official file.

To substantiate petitioner's assertion that the package in question was deposited with the USPS as Express Mail on June 10, 2010, an independent search was made of the USPS Express Mail Track and Confirm records, which resulted in a finding that the package in question was in fact accepted on June 10, 2010, at 8:16 p.m. at the Boston, MA USPS.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on June 10, 2010. Accordingly, this application is entitled to a filing date of June 10, 2010, and has been so accorded.

In view of the above, the petition is **GRANTED.**

A petition pursuant to 37 CFR § 1.10(c) does not require a fee. Therefore, the $400.00 petition fee submitted by petitioner is unnecessary and will be refunded to petitioner's credit card in due course.

This matter is being referred to the Office of Patent Application Processing (OPAP) for **correction of the filing date to June 10, 2010 and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to Joan Olszewski at (571) 272-7751. 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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JAMES CANFIELD
797 GREENVILLE ROAD
MASON, NH 03048

MAILED

AUG 3 0 2010

OFFICE OF PETITIONS

In re Application of

James Anthony Canfield
Application No. 61/397,570
Filed: June 14, 2010
Attorney Docket No.

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 14, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

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

The application is being referred back to the Office of Patent Application Processing to await a reply to the Notice of Incomplete Provisional Application mailed August 6, 2010. This application will be accorded "special" once pre-examination processing is complete.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/777,277	05/11/2010	Pnina Gelman	

CONFIRMATION NO. 4022

CONVERSION REQUEST

AIR MAIL
96872
Gelman Pnina
Ben Yeuda 32
Natania,
ISRAEL

OC000000043323728

Date Mailed: 09/01/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/13/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,695.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/781,496	05/17/2010	Kevin D. Lewis	DOC 0165 PA/40218.344

CONFIRMATION NO. 2833

23368
DINSMORE & SHOHL LLP
FIFTH THIRD CENTER, ONE SOUTH MAIN STREET
SUITE 1300
DAYTON, OH 45402-2023

CONVERSION REQUEST

Date Mailed: 09/08/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/27/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,696.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/569,677	09/29/2009	Lloyd J. Old	10231USO1

CONFIRMATION NO. 8705

23492
PAUL D. YASGER
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK, IL 60064-6008

CONVERSION REQUEST

Date Mailed: 10/01/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/24/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,697.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/824,031	06/25/2010	Ryszard M. Lec	DXU-0300 / 08-0970D

CONFIRMATION NO. 9102

23377
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

CONVERSION REQUEST

OC000000043913316

Date Mailed: 10/12/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/24/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,698.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/778,394	05/12/2010	John Partridge	36314-706.201

CONFIRMATION NO. 6351

21971
WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

CONVERSION REQUEST

OC000000043913372

Date Mailed: 10/13/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/16/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,699.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/850,700	08/05/2010	WILLIAM P. KEMP	9247-002

CONFIRMATION NO. 1351

MACCORD MASON PLLC
P. O. BOX 2974
GREENSBORO, NC 27402

CONVERSION REQUEST

OC000000043913418

Date Mailed: 10/12/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/23/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,700.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/879,689	09/10/2010	William Edward Bauta	017620-9457 US00

CONFIRMATION NO. 7503

23510
MICHAEL BEST & FRIEDRICH LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202

CONVERSION REQUEST

OC000000043913519

Date Mailed: 10/13/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/24/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,701.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/770,275	04/29/2010	Xiaohong Zhou	P0025705.00(134.04300101)

CONFIRMATION NO. 9390

27581
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

CONVERSION REQUEST

OC000000043934707

Date Mailed: 10/13/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/30/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,702.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/770,227	04/29/2010	Xiaohong Zhou	P0034839.00(134.03920101)

CONFIRMATION NO. 9296

27581
MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

CONVERSION REQUEST

OC000000043934903

Date Mailed: 10/13/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/30/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,703.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/779,610	05/13/2010	Ming-Chung KAN	3722/0727PUS1

CONFIRMATION NO. 8875

60601
Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX, VA 22033

CONVERSION REQUEST

OC000000044026681

Date Mailed: 10/19/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/19/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,704.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/884,004	09/16/2010	Yi-Yin Ku	10674USO1

CONFIRMATION NO. 5941

23492
PAUL D. YASGER
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK, IL 60064-6008

CONVERSION REQUEST

OC000000044217057

Date Mailed: 10/28/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/04/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,705.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/804,257	07/19/2010	Laura J. Morgan	82379

CONFIRMATION NO. 6399

Laura J. Morgan
203 Fairlane Drive
Round Rock, TX 78664

CONVERSION REQUEST

OC000000044303995

Date Mailed: 11/02/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/01/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,706.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/804,257	07/19/2010	Laura J. Morgan	82379

CONFIRMATION NO. 6399

Laura J. Morgan
203 Fairlane Drive
Round Rock, TX 78664

CONVERSION REQUEST

OC000000043713704

Date Mailed: 09/27/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(2) TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on , to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(2).

A grantable request under 37 CFR 1.53(c)(2) to convert a non-provisional application to a provisional application must be accompanied by the processing fee set forth in 37CFR 1.17(q) and be filed prior to the earliest of: abandonment of the application filed under 37 CFR 1.53(b); payment of the issue fee on the application filed under 37 CFR 1.53(b); expiration of twelve months after the filing date of the application filed under 37 CFR 1.53(b); or the filing of a request for a statutory invention registration under 37 CFR 1.293 in the application filed under 37 CFR 1.53(b). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(q).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

Copied from 12804257 on 11/03/2010

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/803,349	06/24/2010	Stephen M. Cookson	

CONFIRMATION NO. 7900

Stephen W. Cookson
Jo-Ann M. Cookson
1454 Godbey Road
Mocksville, NC 27028

CONVERSION REQUEST

OC000000044304097

Date Mailed: 11/02/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/18/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,707.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/819,056	06/18/2010	Jerry Ward	

CONFIRMATION NO. 9180

Jerry Ward
3237 Brackett Drive
Mobile, AL 36618

CONVERSION REQUEST

OC000000044321833

Date Mailed: 11/02/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/12/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,708.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/898,535	10/05/2010	Jamie S. Munn	0275-001557/US/PS1

CONFIRMATION NO. 4002

76237
Harness Dickey & Pierce, P.L.C. (Stanley B&D)
P.O. Box 828
Bloomfield Hills, MI 48303

CONVERSION REQUEST

OC000000045109793

Date Mailed: 12/23/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/11/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,711.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/585,775	09/24/2009	Robert Martinson	7512-153

CONFIRMATION NO. 7622

97292
The Marbury Law Group, PLLC
11800 Sunrise Valley Drive
Suite 1000
Reston, VA 20191

CONVERSION REQUEST

OC000000044810856

Date Mailed: 12/09/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/03/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,712.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/585,775	09/24/2009	Robert Martinson	7512-153	7622

97292 7590 10/25/2010

The Marbury Law Group, PLLC
11800 Sunrise Valley Drive
Suite 1000
Reston, VA 20191

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
10/25/2010	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):

ptonotices@marburylaw.com

Copied from 12585775 on 12/10/2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CST

10/25/10

In re application of
Robert Martinson et al
Serial No. 12/585,775
Filed: September 24, 2009
For: COOLING WATER JET PACK FOR HIGH POWER ROTARY CATHODES

DECISION ON PETITION

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed September 3, 2010.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Patent Application Processing (OPAP) for conversion to a provisional application.

/ Christine Tierney /

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 12585775 on 12/10/2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/903,407	10/13/2010	Hanna Maryam Kebbede	

CONFIRMATION NO. 3897

Hanna Kebbede
110-149
4201 Wilson Blvd.
Arlington, VA 22203

CONVERSION REQUEST

OC000000044871381

Date Mailed: 12/09/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/15/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,713.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/718,660	03/05/2010	Kevin S. Fuller	2979.04US01

CONFIRMATION NO. 5345

24113
PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

CONVERSION REQUEST

OC000000045038297

Date Mailed: 12/20/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/19/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,714.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/906,061	10/15/2010	Kent R. Townley	TBUL.P0170

CONFIRMATION NO. 9357

48947
ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES, CA 90049

CONVERSION REQUEST

OC000000045089018

Date Mailed: 12/22/2010

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/03/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,715.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/956,337	11/30/2010	Michael J O'Neil	DEP6345USNP

CONFIRMATION NO. 9197

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

CONVERSION REQUEST

Date Mailed: 01/14/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/29/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,716.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/928,167	12/06/2010	Norman Arthur Faiola	

CONFIRMATION NO. 1899

Norman Arthur Faiola
15 Chelseas Walk
Ithaca, NY 14850

CONVERSION REQUEST

OC000000045797020

Date Mailed: 02/02/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/18/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,717.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/018,280	01/31/2011	David M. Grigg	4509US1.014033.1146

CONFIRMATION NO. 8263

69603
MOORE & VAN ALLEN, PLLC FOR BOFA
430 DAVIS DRIVE, SUITE 500
POST OFFICE BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

CONVERSION REQUEST

OC000000046375188

Date Mailed: 03/14/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/08/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,718.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/050,085	03/17/2011	Vinayak R. Ugru	50100/10-0764

CONFIRMATION NO. 1966

89881
Caterpillar Inc.
c/o Miller, Matthias & Hull LLP
One North Franklin Street
Suite 2350
Chicago, IL 60606

CONVERSION REQUEST

OC000000046896938

Date Mailed: 04/04/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/18/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,719.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CATERPILLAR/ MILLER, MATTHIAS & HULL LLP
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO IL 60606

MAILED

FEB 24 2012

OFFICE OF PETITIONS

In re Application of
Vinayak R. Ugru
Application No. 61/397,719
Filed: March 17, 2011
Attorney Docket No: **50100/10-0764**

ON PETITION

This is a decision on the petition filed January 5, 2012, under 37 CFR 1.181, to withdraw the holding of abandonment, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned June 7, 2011 for failure to timely reply to the Notice to File Missing Parts mailed April 5, 2011 which set a two month period for reply. Accordingly, a Notice of Abandonment was mailed December 14, 2011.

The file record discloses that the Notice was mailed to what was believed to be the address of record, the same address to which the Notice of Abandonment was mailed and received. However, petitioner contends that the Notice to File Missing Parts was not received.

The requirement under 37 CFR 1.181, is that petitioner review the docket records and submit copies of the actual docket records or file jacket to show non-receipt. That requirement has not been met. In a petition under 37 CFR 1.181 the petitioner must show, as in this instance where non-receipt is claimed that petitioner is without fault in not receiving the communication and therefore could not respond timely. In the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received at the address of record.

Petitioner has not submitted docket records in accordance with M.P.E.P. 711.03(c) and pursuant to Delgar Inc. v. Schuyler, 172 USPQ 513[1], perhaps a copy of the "binder" petitioner references, that holds the documents pertaining to this patent application or any other documentary evidence that shows that petitioner has a system for maintaining files related to this matter.

In view thereof, the holding of abandonment cannot be withdrawn.

Additionally, petitioner's argument regarding the propriety of such a Notice has been considered but is not found to be persuasive. A filing fee is due and because the fee was not paid, the application became appropriately abandoned.

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[1]In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[2] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[2]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may 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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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/983,295	01/01/2011	William Culpi	

CONFIRMATION NO. 1001

William Culpi
25092 Rada Ave
Lake Forest, CA 92630-4123

CONVERSION REQUEST

OC000000046376267

Date Mailed: 03/22/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/04/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,720.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/753,076	04/01/2010	Lee Hahn Holloway	8906.P001Z

CONFIRMATION NO. 3852

8791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

CONVERSION REQUEST

OC000000046897479

Date Mailed: 04/04/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/04/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,721.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Blakely Sokoloff Taylor & Zafman LLP
1270 Oakmead Parkway
Sunnyvale CA 94085-4040

In re Application of: Lee Hahn Holloway, et al.
Serial No.: 12/753076
Filed: April 1, 2010

Title: Method and Apparatuses for Providing Internet Based Proxy Services

DECISION ON PETITION
UNDER 37 CFR 1.53(C)(2).

This is a decision on the petition for conversion to a provisional application under 37 CFR 1.53(c)(2).

The petition filed on November 4, 2010 requests conversion to a provisional application under 37 CFR 1.53(c)(2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q) and 1.16(k). It was also filed within the time frames as set forth in 37 CFR 1.53(c)(2)(i)-(iv).

The petition is GRANTED. The application is being forwarded to the Office of Initial Patent Examination for further processing.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3612.

Pod Swann
Quality Assurance Specialist
Technology Center 2400

Copied from 12753076 on 04/04/2011

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/753,076	04/01/2010	Lee Hahn Holloway	8906.P001Z	3852

8791 7590 11/23/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

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

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

Copied from 12753076 on 04/04/2011

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/928,795	12/17/2010	Gary Arnold Crocker	

CONFIRMATION NO. 5966

CONVERSION REQUEST

Dave Gill
IntegrityWare, Inc
13064 Trail Dust Ave.
San Diego, CA 92129

OC000000046941059

Date Mailed: 04/04/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/29/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,722.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/928,795	12/17/2010	Gary Arnold Crocker	

CONFIRMATION NO. 5966

CONVERSION REQUEST

Dave Gill
IntegrityWare, Inc
13064 Trail Dust Ave.
San Diego, CA 92129

OC000000046376128

Date Mailed: 03/08/2011

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(2) TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/03/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(2).

A grantable request under 37 CFR 1.53(c)(2) to convert a non-provisional application to a provisional application must be accompanied by the processing fee set forth in 37CFR 1.17(q) and be filed prior to the earliest of: abandonment of the application filed under 37 CFR 1.53(b); payment of the issue fee on the application filed under 37 CFR 1.53(b); expiration of twelve months after the filing date of the application filed under 37 CFR 1.53(b); or the filing of a request for a statutory invention registration under 37 CFR 1.293 in the application filed under 37 CFR 1.53(b). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(q).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

Copied from 12928795 on 04/04/2011

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/858,426	08/17/2010	Anant Kuma Jain	10578-REG1/RAD

CONFIRMATION NO. 5816

58377
MENTOR GRAPHICS CORP.
PATENT GROUP
8005 SW BOECKMAN ROAD
WILSONVILLE, OR 97070-7777

CONVERSION REQUEST

OC000000046961818

Date Mailed: 04/05/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/31/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,723.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/780,941	05/17/2010	Joshua Joseph North	

CONFIRMATION NO. 1806

Joshua North
1801 NE 146th Ave
Vancouver, WA 98684

CONVERSION REQUEST

OC000000047538697

Date Mailed: 05/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/04/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,724.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/029,573	02/17/2011	Preston E. Prunty	

CONFIRMATION NO. 1970

Preston E Prunty
Preston Prunty
PO Box 18103
Austin, TX 78760

CONVERSION REQUEST

OC000000047625358

Date Mailed: 05/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **04/18/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,725.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/912,291	10/26/2010	Timothy V. Ratto	92128-787387

CONFIRMATION NO. 1779

20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

CONVERSION REQUEST

OC000000047687829

Date Mailed: 05/18/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **04/20/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,726.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/983,871	01/03/2011	Mani Partheesh	GEOAPP3

CONFIRMATION NO. 1215

Mani Partheesh
200 S Lexington Dr
Apt 1035
Folsom, CA 95630

CONVERSION REQUEST

OC000000047990171

Date Mailed: 06/03/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/10/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,727.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/155,074	06/07/2011	Jan WEBER	12013/89201

CONFIRMATION NO. 2282

23838
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

CONVERSION REQUEST

Date Mailed: 07/06/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/16/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,728.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/013,996	01/26/2011	Bernard Michot	5638-00016

CONFIRMATION NO. 9776

26753
ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

CONVERSION REQUEST

OC000000048433829

Date Mailed: 07/08/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/10/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,729.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
13/051,271	03/18/2011	Timothy A. Kearns	SaniSafe_10001

CONFIRMATION NO. 4210

65396
LADI O. SHOGBAMIMU
3303 W. 146th St
LEAWOOD, KS 66224

CONVERSION REQUEST

OC000000048435376

Date Mailed: 06/27/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **04/21/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,730.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/161,157	06/15/2011	Kenneth Darrel Bishop	MTPI 9110

CONFIRMATION NO. 4852

321
SENNIGER POWERS LLP
100 NORTH BROADWAY
17TH FLOOR
ST LOUIS, MO 63102

CONVERSION REQUEST

OC000000048652747

Date Mailed: 07/11/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/17/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,731.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BERLINER & ASSOCIATES
555 WEST FIFTH STREET
31ST FLOOR
LOS ANGELES CA 90013

MAILED

AUG 24 2010

OFFICE OF PETITIONS

In re Application of :
Varotto, et al. :
Application No. 61/397,947 : DECISION
Filed/Deposited: 21 April, 2010 :
Attorney Docket No. Stewart, George :

This is a decision on the petition filed on 23 July, 2010, and properly considered pursuant to 37 C.F.R. ' 1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. ' 1.53 is **DISMISSED**.

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

BACKGROUND

The instant application was deposited on 18 June, 2010.

On 2 July, 2010, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Items, indicating therein that the application had been accorded a filing date but without drawing FIGS. 5-9 described in the specification.

Thus, the application was accorded a filing date but without drawing FIGS. 5-9 described in the specification.

OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawing FIGS. 5-9 were present on deposit, and provide a copy of the drawing figures; submit the drawings and accept the date of submission as the filing date; or accept the application as deposited.

OPAP set a two- (2-) month period for reply.

On 23 July, 2010, Petitioner submitted:

- a date-stamped ("061810") receipt card stating: "Provisional Application Cover Sheet with Deposit Account Authorization (2 pgs) [,] Certificate of Express Mail [,] 26 Pages of Application" as evidence of content upon deposit;

- a copy of five (5) sheets of drawing figures (FIGS. 1-9) and a statement by Jean Bove (Ms. Bove) stating the events surrounding the mailing of the application after the decision by Richard M. Tun (Reg. No. 56,594) to mail rather than electronically file the application;

- a petition with fee and an averment, *inter alia*, that the drawing FIGS. 5-9 were placed into an envelope for mailing.

ANALYSIS

After the instant application was deposited on 18 June, 2010.

On 2 July, 2010, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Items, indicating therein that the application had been accorded a filing date but without drawing FIGS. 5-9 described in the specification, and the application was accorded a filing date but without drawing FIGS. 5-9 described in the specification. OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawing FIGS. 5-9 were present on deposit, and provide a copy of the drawings; submit the drawings and accept the date of submission as the filing date; or accept the application as deposited. OPAP set a two- (2-) month period for reply.

On 23 July, 2010, Petitioner submitted a date-stamped ("061810") receipt card stating: "Provisional Application Cover Sheet with Deposit Account Authorization (2 pgs) [,] Certificate of Express Mail [,] 26 Pages of Application" as evidence of content upon deposit; a copy of five (5) sheets of drawing figures (FIGS. 1-9) and a statement by Jean Bove (Ms. Bove) stating the events surrounding the mailing of the application after the decision by Richard M. Tun (Reg. No. 56,594) to mail rather than electronically file the application; a petition with fee and an averment, *inter alia*, that the drawing FIGS. 5-9 were placed into an envelope for mailing.

The problem with which Petitioner is confronted is that the receipt card submitted is appears to be insufficiently detailed. For example, the receipt card details: "26 Pages of Application" as evidence of content upon deposit. There is no recitation as to application components: specification (description, claims, abstract) and drawing figures (*e.g.*, Y sheets of drawings: FIGS. A-D.)

Thus, with the receipt card presented herein there is no way for the Office to ascertain in matters such as this what application components were not present on deposit and what components were received (and possibly misplaced).

Petitioner is reminded and cautioned that such limited amendment of provisional applications as is permitted is discussed in the guidance in the Commentary at MPEP §601.01(b).)

The in the guidance in the Commentary at MPEP §601.01(b) expressly provides:

> **601.01(b) Provisional Applications Filed Under 35 U.S.C. §111(b) [R-3]**
>
> A provisional application will be given a filing date in accordance with 37 C.F.R. §1.53(c) as of the date the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application set forth in 37 C.F.R. §1.53(c)parallel the requirements for a nonprovisional application set forth in 37 C.F.R. §1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.
>
> When the specification or drawing are omitted, 37 C.F.R. §1.53(e) requires that the applicant be notified and given a time period in which to submit the missing element to complete the filing. See MPEP §601.01(f) and §601.01(g) for treatment of applications filed without drawings, or filed without all figures of drawings, respectively.
>
> 37 C.F.R. §1.53(c)(1) requires all provisional applications be filed with a cover sheet, which may be an application data sheet (37 C.F.R. §1.76) or a cover letter identifying the application as a provisional application. The Office will treat an application as having been filed under paragraph (b), unless the application is clearly identified as a provisional application. A provisional application, which is identified as such, but which does not have a complete cover sheet as required by 37 C.F.R. §1.51(c)(1) will be treated as a provisional application. However, the complete cover sheet and a surcharge will be required to be submitted at a later date in conformance with 37 C.F.R. §1.53(g).
>
> When the provisional application does not have a complete cover sheet or the appropriate fee, the applicant will be notified pursuant to 37 C.F.R. §1.53(g) and given a time period in which to provide the necessary fee or cover sheet and to pay the surcharge as set forth in 37 C.F.R. §1.16*>(g)< in order to avoid abandonment of the application. The time period will usually be set at 2 months from the date of notification. This time period may be extended under 37 C.F.R. §1.136(a). If the filing fee is not timely paid, the Office may dispose of the provisional application. If no correspondence address has been provided, applicant has 2 months from the filing date to file the basic filing fee, cover sheet, and to pay the surcharge as set forth in 37 C.F.R. §1.16*>(g)< in order to avoid abandonment of the provisional application. Copies of a provisional application will be provided by the USPTO upon request and payment of the fee set forth in 37 C.F.R. §1.19(b) unless the provisional application has been disposed of (see 37 C.F.R. §1.53(e) and (g)).
>
> The basic filing fee must be paid in a provisional application on filing or within the time period set forth in 37 C.F.R. §1.53(g), and the provisional application must be entitled to a filing date under 37 C.F.R. §1.53(c), if any claim for benefits under 35

U.S.C. §119(e) based on that application is made in a subsequently filed nonprovisional application. 37 C.F.R. §1.78(a)(4).

37 C.F.R. §1.53(e)(2) requires that any request for review of a refusal to accord an application a filing date be made by way of a petition accompanied by the fee set forth in 37 C.F.R. §1.17*>(f)< (see MPEP § 506.02). (Emphasis supplied.)

***

Petitioner may file a new provisional application.

CONCLUSION

The petition is **dismissed**; the error was not Office error, and the fee is not waived.

The application is released to the Office of Patent Application Processing (OPAP) for further processing as necessary with a filing date of 18 June, 2010, with 21 pages of specification (description, claims, abstract) and two (2) sheets of drawings all as deposited, but without drawing FIGS. 5-9.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/398,081	06/21/2010	David Anthony Fallon	

CONFIRMATION NO. 7333

David Anthony Fallon
#2, 140 Valley Oak Lane, #2,009
West Sacramento, CA 95691

CONVERSION REQUEST

OC000000044751660

Date Mailed: 12/01/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **09/20/2010,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

It is not accompanied by the amendment including at least one claim in compliance with 35 U.S.C. 112, second paragraph, as required by 37 CFR 1.53(c)(3).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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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C/O FARJAMI & FARJAMI LLP
26522 LA ALAMEDA AVENUE, SUITE 360
MISSION VIEJO CA 92691

MAILED

MAY 26 2011

OFFICE OF PETITIONS

In re Application of :
Heatherly et al. :
Application No. 61/399,249 : DECISION ON PETITION
Filed: July 8, 2010 :
Attorney Docket No. 0260286P :

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 **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed July 26, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 27, 2010. A Notice of Abandonment was mailed March 31, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a Provisional Cover Sheet and $50.00 Surcharge fee, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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LAWRENCE D. CUTTER, ESQ.
11 DEER PATH DRIVE
NEW PALTZ NY 12561-2813

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JUN 06 2011

OFFICE OF PETITIONS

In re Application of
Barnabas Takacs
Application No. 61/399,572
Filed: July 14, 2010
Attorney Docket No: **KM-2010-001**

ON PETITION

This is a decision on the petition filed May 11, 2011, under 37 CFR 1.181, to withdraw the holding of abandonment, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned October 13, 2010 for failure to timely reply to the Notice to File Missing Parts mailed August 9, 2010 which set a two month period for reply. Accordingly, a Notice of Abandonment was mailed April 25, 2011.

The file record discloses that the Notice was mailed to what was believed to be the address of record, the same address to which the Notice of Abandonment was mailed and received. However, petitioner contends that the Notice to File Missing Parts was not received.

The requirement under 37 CFR 1.181, is that petitioner review the docket records and submit copies of the actual docket records or file jacket to show non-receipt. That requirement has not been met. In a petition under 37 CFR 1.181 the petitioner must show, as in this instance where non-receipt is claimed that petitioner is without fault in not receiving the communication and therefore could not respond timely. In the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received at the address of record.

Petitioner has not submitted docket records in accordance with M.P.E.P. 711.03(c) and pursuant to Delgar Inc. v. Schuyler, 172 USPQ 513[1], perhaps a copy of the "binder" petitioner references, that holds the documents pertaining to this patent application or any other documentary evidence that shows that petitioner has a system for maintaining files related to this matter.

In view thereof, the holding of abandonment cannot be withdrawn.

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[1]In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[2] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[2]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may 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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OFFICE OF PETITIONS

SRL PATENTS
234 BROADWAY
ARLINGTON MA 02474

In re Application of :
Stephen T. BRAYAN et al. :
Application No. 61/399,859 : DECISION ON PETITION
Filed: July 19, 2010 :
Attorney Docket No. BIOSPRAYQ10 :

This is a decision on the petition, filed May 16, 2011, 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 under 37 CFR 1.8(b) is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts, mailed August 10, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, the application became abandoned on October 11, 2010.

Petitioner states that a response to the Notice to File Missing Parts, mailed August 10, 2010 was filed timely.

A review of the Office records indicates that a response which included a two (2) month extension of times was filed December 13, 2010. However the response included an incorrect application number. In processing by the Office the response was initially placed in 61/398,859. A subsequent review of the identifiers by the Office indicates that the correct serial number should have been 61/399,859. The Office has moved the response including all fees submitted December 13, 2010 from 61/398,859 to 61/399,859. Since the Office has discovered the mistake by applicant in the papers filed, the petition will therefore be granted.

In view of the above, the holding of abandonment for failure to timely file a reply to the Office action of August 10, 2010, is hereby withdrawn and the application is restored to pending status.

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

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

Thurman Page
Petitions Examiner
Office of Petitions

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

PTO/SB/420 (12-09)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known):	Filing date:
First Named Inventor: RS REIDER / RICHARD S REIDER II		
Title: INVENTOR		

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

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

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

   If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: DRAWINGS & OTHER APPLICATIONS

Signature	Date 17 JULY 2010
Name (Print/Typed) RICHARD S REIDER II	Registration Number

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

☐ *Total of _____ forms are submitted.

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

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

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OFFICE OF PETITIONS

PERKINS COIE LLP
700 THIRTEENTH STREET, NW
SUITE 600
WASHINGTON DC 20005-3960

In re Application of :
Brent D. Abraham et al. :
Application No. 61/403,001 : DECISION ON PETITION
Filed: September 8, 2010 :
Attorney Docket No. 01711-8004.US00 :

This is a decision on the petition filed December 6, 2010 in response to the Notice of Omitted Items mailed October 5, 2010, which is treated under 37 CFR 1.182.

On October 5, 2010, after the application was filed, the Office of Data Management mailed a Notice of Omitted Items stating that the application had been accorded a filing date of September 8, 2010, but that pages 210 and 211 the specification appeared to have been omitted.

In response, copies of pages 210 and 211 of the Specification and the present petition were submitted. Petitioners assert that the specification filed was 226 pages in length (197 pages of specification and 29 pages of claims) and that all pages of the specification were with the other application papers on September 8, 2010, including pages 210 and 211. In support, a copy of petitioners' postcard receipt has been supplied. The postcard receipt shows an Office date stamp of September 8, 2010, and identifies the application by the name of the inventor and the title of the invention, and acknowledges receipt, *inter alia*, of a 276 page specification. Petitioners request that the application be considered complete with pages 210 and 211 of the specification and with a filing date of September 8, 2010.

A review of the record reveals that 27 pages of claims of the total 276 pages of specification are located among the application papers deposited on September 8, 2010 and that there are no pages 210 and 211 included therein. However, from the evidence presented it is obvious that there should have been 29 pages. Since the postcard receipt lacks any notation of non-receipt of any item listed, the application, including pages 210 and 211, is entitled to a filing date of September 8, 2010.

In view of the above, the petition is **GRANTED** and petitioner's deposit account no. 50-2283 will be credited in the amount of $400.00 for the petition fee.

This matter is being referred to the Office of Patent Application Processing with an indication that pages 210 and 211 of the specification were in fact filed with the application papers filed on September 8, 2010.

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

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Scurtz, Inc.
125 Emerald Lane
Roswell GA 30075

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JUN 17 2011

OFFICE OF PETITIONS

In re Application of :
Jennings et al. :
Application No. 61/403,009 : ON PETITION
Filed: September 10, 2010 :
For: Clipz by Scurtz Versatile Home D?Cor Clip :

This is in response to the petition, filed May 11, 2011, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The petition has **not** been reviewed on the merits because the petition has not been properly signed.

In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. In this instance the petition filed on May 11, 2011 has not been properly signed. 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 all the inventors and the record herein fails to disclose that petitioner herein (Jennings) was ever given a power of attorney to act on behalf of the other three inventors or that she is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b).

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 FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Katherine Jennings
5090 Vernon Springs Drive
Dunwoody, GA 30338

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.
61/403,299	09/13/2010		133290-1001	3367

7590 10/27/2010

Jennifer S. Sickler
Gardere Wynne Sewell LLP
Suite 3400
1000 Louisiana
Houston, TX 77002-5011

EXAMINER	
ART UNIT	PAPER NUMBER
MAIL DATE	DELIVERY MODE
10/27/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☑ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Valetta Buchanan

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Aug-10

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue
Suite 1600
PORTLAND OR 97204-3157

MAILED

AUG 26 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Robert Tatsumi :
Application Number: 29/331840 :
Filing Date: 04/13/2009 :
Attorney Docket Number: :
9292.0001

This is a decision on the petition filed on March 26, 2010, which is treated as a petition under 37 CFR 1.182, requesting that the above-identified design application be processed as a provisional application for patent.

The petition is **GRANTED**.

Petitioner asserts that applicant, *pro se*, inadvertently filed the subject application as a design application, but intended to file a provisional application. Petitioner therefore requests that the subject design application be converted to a provisional application.

A review of the original application papers deposited on February 2, 2009, reveals an ambiguity as to whether the subject matter comprises a design. There is nothing in the application papers (the 2 pages including drawings and hand-written text) deposited on February 2, 2009, that indicates the application papers were for a design and thus it is not clear on its face that the application was a design application. It is noted that applicant did not file a design application transmittal letter. Additionally, in the Office action mailed on March 10, 2010, the examiner rejected the claim under 35 U.S.C. 171 as being directed to nonstatutory subject matter in that it lacks ornamentality.

As such, the showing of record supports a conclusion that petitioner did not intend to file a design application, but inadvertently filed the subject application as a design application. In view of the ambiguity in the application papers,

Copied from 29331840 on 09/27/2010

it is appropriate, on petition under 37 CFR 1.182, to treat the application as a provisional application.

Accordingly, on petition, the application will be reprocessed as a provisional application as requested using the application papers filed on February 2, 2009 and April 13, 2009.

It is noted that on February 2, 2009, applicant submitted the design application basic filing fee of $110.00. The provisional application filing fee (small entity) is also $110.00. On February 19, 2009, applicant submitted the design application search and examination fees. The design filing, search, and examination fees were properly paid in the design application and will not be refunded. The $110.00 provisional application filing fee was paid on March 26, 2010.

As the petition was necessitated by an error on the part of applicants, the petition fee will not be refunded.

The application is being referred to the Office of Patent Application Processing for reprocessing as a provisional application, not a design application, with a filing date of April 13, 2009, using the application papers filed on February 2, 2009, and April 13, 2009. The application will be assigned a new provisional application number. The new provisional application number will be communicated to applicants by the Office of Patent Application Processing in due course.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Copied from 29331840 on 09/27/2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

MAILED
FEB 18 2011
OFFICE OF PETITIONS

In re Application of :
Blanchard et al. :
Application No. 61/404291 :
Filing or 371(c) Date: 09/30/2010 : LETTER
Attorney Docket Number: P09752US00 :

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.**

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/404,291	09/30/2010		110	P09752US00		

CONFIRMATION NO. 8613

CORRECTED FILING RECEIPT

22885
MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

Date Mailed: 02/16/2011

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)

David L. Blanchard, Oskaloosa, IA;
Andrew J. Schembs, Des Moines, IA;
Alan W. Sheldon, Pella, IA;

Power of Attorney:
Mark Hansing--30643

If Required, Foreign Filing License Granted: 10/19/2010
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/404,291**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

Apparatus, system, and method for LED fixture temperature measuremnt, control, and calibration

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Yosef Korakin
Wolftree LN 7070
Rockville MD 20852

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of :
Korakin :
Application No. 61/404,307 : DECISION ON PETITION
Filed: October 1, 2010 : UNDER 37 C.F.R. § 1.181
Title: DETACHABLE AIR DUCT :
ENHANCER :

This is a decision on the petition filed on August 1, 2011, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

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

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed October 29, 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 December 30, 2010. A notice of abandonment was mailed on July 12, 2011.

RELEVANT PORTIONS OF THE C.F.R.

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

ANALYSIS

Petitioner's submission has been reviewed, and the record does not support a finding that a response to the aforementioned notice of October 29, 2010 was submitted to the Office.

Petitioner has asserted that a response was submitted on "12/11/10,"[1] and has included a copy of a letter that was purportedly submitted to the Office on December 11, 2010. However this letter is dated "10/12/10," which predates the mailing of the aforementioned notice. It is noted in passing that the submission bears neither a certificate of mailing nor an Express Mail label number.

It follows that the record does not support a finding that the holding of abandonment should be withdrawn.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

---

1 Petition, paragraph 2.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a)[2] and/or (b).[3] Unless Petitioner believes that he can successfully establish that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard. Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[4] hand-delivery,[5] or facsimile.[6] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[7]

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[8]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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2 The fee that is associated with the filing of this petition is presently set at $270 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0061.pdf.
3 The fee that is associated with the filing of this petition is presently set at $810 for a small entity. Petitioner may download the associated form here: http://www.uspto.gov/web/forms/sb0064.pdf.
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300: please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052-6399

MAILED
OCT 21 2011
OFFICE OF PETITIONS

In re Application of :
VICTOR POZNANSKI et al :
Application No. 61/405,067 : ON PETITION
Filed: October 20, 2010 :
Attorney Docket No. 331457.01 :

This is a decision on a renewed petition under 37 CFR 1.181, filed October 18, 2011, to receive a Corrected Filing Receipt.

The petition is **GRANTED**.

Petitioner indicates that the Filing Receipt received indicates Keller Smith instead of Charles Keller Smith as an inventor and request a Corrected Filing Receipt.

A review of the file indicates that the Oath provided the inventor's name as Charles Keller Smith. Accordingly the petition is granted. The name of the inventor has been corrected to **CHARLES KELLER SMITH**.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/405,067	10/20/2010		220	331457.01		

CONFIRMATION NO. 4406

22971
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052-6399

CORRECTED FILING RECEIPT

Date Mailed: 10/21/2011

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)

VICTOR POZNANSKI, Sammamish, WA;
CHARLES KELLER SMITH, Seattle, WA;
GLEN HOWARD ANDERSON, Woodinville, WA;
ARUN KRISHNAMOORTHY, Sammamish, WA;
BOXIN LI, Sammamish, WA;
DENNIS WILLEM DOORN, Redmond, WA;

Power of Attorney:
David Andrews--58641

If Required, Foreign Filing License Granted: 11/15/2010
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/405,067**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

ENHANCED ENTERPRISE SEARCH

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international

application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national

security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GORDON G. WAGGETT, P.C.
550 WESTCOTT STREET
SUITE 350
HOUSTON TX 77007-5099

MAILED
AUG 23 2011
OFFICE OF PETITIONS

In re Application of :
Petel, et al. :
Application No. 61/405,192 : DECISION
Filed: 20 October, 2010 :
Attorney Docket No. P15-PAT001US :

This is a decision on the petition filed on 5 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 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

Applicants failed to reply timely and properly to the Notice to File Missing Parts (surcharge for late filing of fees) mailed on 1 November, 2010, with reply due absent extension of time on or before 2 January 2011 (or first business day thereafter).

The application went abandoned after midnight 2 January, 1011.

The Office mailed the Notice of Abandonment on 21 July, 2011.

Petitioner filed a revocation/power of attorney, but no other papers, on 29 July, 2011.

On 5 August, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, and pointed to a reply in the form of surcharge for late filing of fees, and made the statement of unintentional delay with an explanation therefore and indicia of independent inquiry.

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 AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.[3]))

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.

---

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

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

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 Office of Patent Application Processing (OPAP) 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 OPAP in response to this decision. It is noted that all inquiries with regard to status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however , that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT GOLDSTEIN
TEL HAI 3
JERUSALEM 92017 IL

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of
Robert Edwin Goldstein
Application No. 61/405,649
Filed: October 22, 2010
For: SNACK OR FAST FOOD COATINGOR FILLING CONSISTING OF MICRO- OR NANO-ENCAPSULATED PLANT EXTRACTS

DECISION ON PETITION

This is a decision on the request filed December 21, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web.

The Office has accepted petitioner's statement as an assertion that the duplicate application was filed by mistake. Accordingly, the filing fee of $110.00, submitted on October 22, 2010, has been credited to petitioner's credit card account as it is the method in which the fee was paid.

As no further action will be taken in this application, this matter is being referred to the Office of Patent Publication for express abandonment of the subject application.

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

/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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ROBERT GOLDSTEIN
TEL HAI 3
JERUSALEM 92017 IL

MAILED

DEC 03 2010

OFFICE OF PETITIONS

In re Application of
Robert Edwin Goldstein
Application No. 61/405,650
Filed: October 22, 2010
For: SNACK OR FAST FOOD COATING OR FILLING CONSISTING OF MICRO- OR NANO-ENCAPSULATED PLANT EXTRACTS

DECISION ON PETITION

This is a decision on the request filded October 22, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks item (5) above.

Applicant must list the other application number of which the instant application is deemed to be a duplicate.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 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-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

MAILED

FEB 01 2011

OFFICE OF PETITIONS

In re Application of :
Peter Chao-Yuan Li et al. :
Application No. 61/405,737 : DECISION ON
Submitted October 22, 2010 : PETITION
Attorney Docket No. 128503.0117 :

This is a decision on the Petition Under 37 CFR 1.53(e), filed January 5, 2011, requesting that the above identified application be accorded a filing date of October 22, 2010. This petition is being treated pursuant to 37 CFR 1.53(e)(2) [1].

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted.

Petitioner requests that the above identified application be accorded an application filing date of October 2, 2010. Currently the application has not been given a filing date.

A review of the file record shows that applicant submitted the above identified application on October 2, 2010 without drawings. A Notice of Incomplete Provisional Application (Notice) was mailed November 18, 2010 noting the lack of drawings.

Petitioner argues that a complete provisional application was filed including two drawing figures. In support of this argument, petitioner provides an alleged copy of the application as filed with the petition. The copy of the application provided with the petition shows figures 1 and 2 in the specification. However, the Office copy of the specification shows only a blank space above the legend "Figure 1" and "Figure 2". Thus, the copy of the specification received by the Office on October 22, 2010 did not contain the required drawing figures. The copy of the specification filed with the petition does not match the specification as filed with the application.

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[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

The petition is not convincing that drawings were filed with the application and the petition is dismissed.

It should be noted that the drawings, if they had been filed, would have been located within the body of the specification. 37 CFR 1.84(h) specifies that "All views of the drawings...must not be included in the sheets containing the specification, claims, or abstract." Drawing figures must be provided on separate sheets.

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

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

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

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

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.

Anthony Knight
Director, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Peter Chao-Yuan Li et al. :
Application No. 61/405,737 : DECISION ON
Submitted October 22, 2010 : PETITION
Attorney Docket No. 128503.0117 :

This is a decision on the Renewed Petition Under 37 CFR 1.53(e), filed March 7, 2011, requesting that the above identified application be accorded a filing date of October 22, 2010. This petition is being treated pursuant to 37 CFR 1.53(e)(2) [1]. This is also a decision on the Petition under 37 CFR 1.181 to consider the requirement for drawings in the above identified application.

The petitions are **GRANTED**.

Petitioner requests that the above identified application be accorded an application filing date of October 22, 2010. Currently the application has not been given a filing date.

A review of the file record shows that applicant submitted the above identified application on October 22, 2010 without drawings. A Notice of Incomplete Provisional Application (Notice) was mailed November 18, 2010 noting the lack of drawings.

Petitioner again argues that the application was filed with drawings as evidenced by review of petitioner's records. Petitioner then admits that a possible reason for the application to have been filed without drawings may have been caused by a change in format of the application and that the software may have stripped the drawings from the file. Thus petitioner admits it was possible for an application with drawings could be transmitted electronically and received by the Office without drawings. The criteria is what papers are received by the Office, not what papers were used as the basis for transmission of the papers. The application was filed without drawings.

Petitioner argues in the alternative that the drawings are not necessary for an understanding of the subject matter sought to be patented as the subject matter of Figures 1 and 2 are believed to be described in detail in the application. Since this is a provisional application and there are no claims to be considered in light

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

of the disclosure (specification and any drawings), petitioner's statement is accepted as evidence that drawing figures are not needed for an understanding of the subject matter to be patented.

To the extent the instant petition requests a filing date of October 22, 2010 with no drawings present in the application, the petition is **GRANTED**.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

1. **establishment of the filing date to October 22, 2010;**
2. **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing and**
3. **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.

Anthony Knight
Director, Office of Petitions

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WILLIAM J. KOLEGRAFF
3119 TURNBERRY WAY
JAMUL CA 91935

MAILED

DEC 15 2011

OFFICE OF PETITIONS

In re Application of :
Benjamin J. Cooper :
Application No. 61/406,203 : ON PETITION
Filed: October 25, 2010 :
Attorney Docket No. **CMC-man** :

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 application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed November 3, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on January 4, 2011.

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 provisional cover sheet , filling fee, and surcharge, (2) the petition fee of $930, (3) a proper statement of unintentional delay.

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

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

JoAnne Burke
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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MARTIN D. MOYNIHAN D/B/A PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED
JUL 07 2011
OFFICE OF PETITIONS

In re Application:
Reiter et al.
Application No. 61/406,609
Filed: October 26, 2010
Attorney Docket No. 49045

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 9, 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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MAILED

MAR 25 2011

OFFICE OF PETITIONS

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C
P.O. BOX 7021
TROY, MI 48007-7021

In re Application of :
Tim Romero :
Application No. 61/406,853 : DECISION GRANTNG PETITION
Filed: October 26, 2010 :
Attorney Docket No. INA-14418/08 :

This is a decision on the petition filed February 1, 2011, requesting that the above-identified provisional application be accorded a filing date of October 26, 2010.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Weston R. Gould 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 application was deposited on October 26, 2010. However, on December 1, 2010, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (Notice) requiring drawings and stating that the filing date of the application would be the date of receipt of the omitted drawings.

In response, on February 1, 2011, the present petition was filed. Petitioner states that "...the application as filed on 26 October 2010 included process claims that do not require a drawing for the understanding of the invention under 35 U.S.C. § 113 as detailed in MPEP 601.01(f), Petitioner may accept the application as deposited at the USPTO on 26 October 2010 and be granted that filing date."

Since the petition contains a statement that the drawings are not necessary, the petition is **granted**.

In view of the above, the petition fee of $400 will be credited back to the credit card, in due course.

This application file is being referred to the Office of Patent Application Processing for further **processing with a filing date of October 26, 2010**.

Telephone inquiries concerning this matter may be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TSU-CHANG LEE
SUITE A107-301
1072 S. DE ANZA BLVD.
SAN JOSE CA 94129

MAILED
OCT 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Lee et al.	:	
Application No. 61/406,946	:	ON PETITION
Filed: October 26, 2010	:	
Attorney Docket No. TCL-001 PRV	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 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 $125.00 basic filing fee and the $25.00 late surcharge; (2) the petition fee of $930.00; and (3) a proper statement of unintentional delay.

The instant application is hereby revived until October 26, 2011, when it will again become abandoned as a matter of law.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This application is being referred to the Office of Patent Application Processing for further processing.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: THOMAS SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109

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LVI, ABADI, EVRON, PRESENTI & CO
14 ABBA HILLEL RD.
RAMAT GAN 52506 IL

MAILED

SEP 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Ben Zvi, Aric	:	
Application No. 61/407,471	:	ON PETITION
Filed: October 28, 2010	:	
Attorney Docket No. 12009-1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 4, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed November 8, 2010. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 9, 2011. A Notice of Abandonment was mailed on July 22, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item(s) (1). Petitioner has not supplied the reply as required by the Notice. Specifically, petitioner must submit a Provisional Application Cover Sheet with the requisite information, as well as a $25.00 late surcharge.

Further, it is unclear who has signed the instant petition. Any future petition must be signed by one of the following:

> (1) An attorney or agent of record appointed in compliance with § 1.34(b);
> (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
> (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
> (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
> (5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Window located at: U.S. Patent and Trademark Office Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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14 ABBA HILLEL RD.
RAMAT GAN 52506 IL

MAILED
OCT 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Ben Zvi, Aric	:	
Application No. 61/407,471	:	ON PETITION
Filed: October 28, 2010	:	
Attorney Docket No. 12009-1	:	

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

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed November 8, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 9, 2011. A Notice of Abandonment was mailed on July 22, 2011.

The instant petition requests revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

A provisional application may be revived so as to be pending for a period no longer than 12 months from its filing date. This application is hereby deemed revived until October 28, 2011, when it will again become abandoned as a matter of law.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TIMOTHY GAY HURST
3208 PATTERSON DRIVE
PEARL MS 39208

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of
Timothy Gay Hurst
Application No. 61/407,945
Filed: October 29, 2010
For: GREEN DESALINATION
HYDROELECTRIC SELF SUSTAINING

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed November 5, 2010.

The request is **DISMISSED**.

The request is dismissed because USPTO regulations require that papers filed in the application be signed by a registered attorney or agent, by the applicants (inventors) or by the assignee of the entire interest who has taken action in the application in accordance with 37 CFR 3.71. The request is not signed. See 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.

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

GFD PATENTS, LLC
P.O. BOX 752
CLIFTON PARK, NY 12065

MAILED

MAR 10 2011

OFFICE OF PETITIONS

In re Application of :
Kilgour et al. :
Application No. 61/408,458 : ON PETITION
Filed: October 29, 2010 :
Attorney Docket: Green-001 :

This is a decision on the request for correction of name of the inventor due to typographical error, which is being treated as a petition under 37 CFR 1.182, filed, October 31, 2010, to change the name of inventor "John R. Palmateer" to – Duane R. Palmateer –.

The petition is **DISMISSED**.

Petitioner asserts that the inventor's name was incorrectly spelled due to a typographical error; specifically, the inventor's given name was incorrectly listed as "John" instead of Duane.

Petitioner should note, where there is no change of individual but an incorrect name was given, a petition under 37 CFR 1.182 should be filed requesting correction of applicant's name. Therefore, the petition herein is properly treated under 37 CFR 1.182, to change an inventor's name. A petition to change the inventor's name must include (1) an appropriate petition fee, (2) a statement signed by the inventor setting forth both names and (3) the procedure whereby the change of name was effected, or a copy of the court order.

The petition lacks item 2 above, the petitioner did not submit a statement signed by the inventor setting forth both names. The petition to change the inventor's name under 37 CFR 1.182 cannot be granted at this time. *See* MPEP section 605.04(c).

The deposit account will be charged $400 for the petition fee as authorized.

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

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

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

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

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
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

NIXON PEABODY LLP
P.O. BOX 60610
PALO ALTO, CA 94306

MAILED

SEP 21 2011

OFFICE OF PETITIONS

In re Application of
Fathy Yassa
Application No. 61/408,634
Filed: October 31, 2010
Attorney Docket No.: 059560-006

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed November 11, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 12, 2011. A Notice of Abandonment was mailed on July 27, 2011. In response on August 26, 2011, 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 filing fee of $110 and the $25 surcharge; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Subject to the provisions of 35 U.S.C. § 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

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

/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

Paper No.

Velma Jean Richards
305 West 72nd Street 11C
New York NY 10023

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Velma Jean Richards	:	
Application No. 61/408,961	:	DECISION ON PETITION
Date of Deposit: November 1,	:	PURSUANT TO 37 C.F.R.
2010	:	§ 1.182
Title: OIL RETRIEVING	:	
SYSTEM(DEVICE)	:	

This is a decision on the "Application is entitled to a filing date, a request for a refund of the petition fee," filed January 18, 2011. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182.

The application was deposited on November 1, 2010. However, on November 22, 2010, the Office of Data Management (ODM) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising Applicant that a filing date would be accorded upon the deposit of a specification. The notice set a two-month period of reply.

On January 12, 2011, Applicant submitted $400 to the Office.

In response to the aforementioned notice, on January 18, 2011, this petition was filed. The petition is further accompanied by a two-page specification.

It follows that a specification was first received in the office on January 18, 2011.

However, as the petition fee was submitted prior to the filing of the petition, the Office was unclear as to why the $400 was

submitted to the Office, and the check was returned to Applicant unprocessed on January 21, 2011.

Accordingly, the petition must be **DISMISSED.**

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should contain payment in the amount of $400. The petition fee cannot be refunded, as this petition was not necessitated by any error of the Office.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[4].

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[5].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
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 any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

DEC 16 2010

OFFICE OF PETITIONS

DONALD ALLEN
4323 LAKE KEMP CT.
RICHMOND TX 77406

In re Application of
William Andrew West et al
Application No. 61/410,351
Filed: November 5, 2010
For: VORTEX SUPPRESSION COLLAR SPRING ATTACHMENT MECHANISM

: DECISION ON PETITION

This is a decision on the request for refund filed December 2, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks items (1), (3), (5) and (6) above.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 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-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
NOV 30 2011
OFFICE OF PETITIONS

EVERETT D. ROBINSON
Echelon IP, LLC
P.O. Box 1047
American Fork UT 84003-1047

In re Application of	:	
Gilbert Thomas et al.	:	
Application No. 61/410,848	:	DECISION ON PETITION
Filed: November 5, 2010	:	
Attorney Docket No. 164791EDR	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed November 18, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 19, 2011. A Notice of Abandonment was mailed on 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 a provisional basic filing fee of $125, a surcharge fee of $25 (2) the petition fee of $930, and (3) a proper statement of unintentional delay. Accordingly the oath and declaration fee are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received November 4, 2011. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PETERS VERNY , L.L.P.
425 SHERMAN AVENUE
SUITE 230
PALO ALTO CA 94306

MAILED
NOV 02 2011
OFFICE OF PETITIONS

In re Application:
Hoffman et al.
Application No. 61/411,397
Filed: November 8, 2010
Attorney Docket No. 3815.87 (S10-225)

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 18, 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 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
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Paper No.

MAILED
DEC 09 2011
OFFICE OF PETITIONS

Comodo Group Inc.
Legal Department
525 Washington Boulevard
Jersey City NJ 07310

In re Application of :
Melih Abdulhayoglu : DECISION ON PETITION
Application No. 61/411,773 :
Filed: November 9, 2010 :
Attorney Docket No. CO.42 :

This is in response to the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed November 10, 2011.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application mailed December 8, 2010. The Notice set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply received and no extension of time obtained, the application became abandoned effective February 9, 2011. A courtesy Notice of Abandonment was sent on September 26, 2011.

In response, applicant filed the instant petition, requesting revival based on unintentional delay.

The provisions of 37 C.F.R. § 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. A petition filed pursuant to 37 C.F.R. §1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition includes a proposed reply in the form of payment by credit card of the statutory basis filing fee of $220 and the late surcharge of $50; the required statement of unintentional delay; and the petition fee for revival pursuant to 37 CFR 1.137(b). No terminal disclaimer is required to revive this application.

The petition is not grantable because the proposed reply submitted on instant petition does not satisfy requirement (1) above. The reply required by the Notice includes payment of the large entity statutory basic filing fee for a provisional application and payment of the surcharge for its late filing. Fees are due at the rate in effect on the date of payment. Effective September 26, 2011, the large entity statutory basic filing fee in a provisional application increased from $220 to $250 (The surcharge remained $50). Given the increase, the fee submitted of $220 is deficient by $30. Moreover, there is no authorization in the record to charge such deficiency to a Deposit Account (General authorizations may not be made to a credit card).

On renewed petition, applicant needs to submit the deficiency in fee payment. The fee schedule is at the USPTO website at http://www.uspto.gov/web/offices/ac/qs/ope/fee092611.htm. Applicant may consider reviewing the fee schedule at the time of filing of the renewed petition, especially if the petition will not include any authorization to charge any underpayments to a Deposit Account.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ANGIOTECH
1633 WESTLAKE AVENUE N., STE. 400
SEATTLE WA 98109

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
D'AGOSTINO :
Application No. 61/411,918 : ON PETITION
Filed: November 9, 2010 :
Attorney Docket No. 2284.40856P1 :

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

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed December 9, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 10, 2011. A Notice of Abandonment was mailed August 19, 2011.

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

With respect to item (1): The Notice mailed December 9, 2010, required the reply in the form of Figure 13 described in the specification. In this regard, the required reply was not filed with the petition dated September 8, 2011, the petition cannot be accepted as complying with the provisions as set out under 37 CFR 1.137(b) and cannot be granted at this time.

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ANGIOTECH
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SEATTLE WA 98109

MAILED

NOV 01 2011

OFFICE OF PETITIONS

In re Application of :
D'AGOSTINO :
Application No. 61/411,918 : ON PETITION
Filed: November 9, 2010 :
Attorney Docket No. 2284.40856P1 :

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

The petition is **DISMISSED.**

The application became abandoned for failure to reply in a timely manner to the Notice of Omitted Item(s) in a Provisional Application (Notice), mailed December 9, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 10, 2011. A Notice of Abandonment was mailed August 19, 2011.

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

With respect to item (1): The Notice mailed December 9, 2010, required the reply in the form of Figure 13 described in the specification. In this regard, the required reply was not filed with the petition dated September 30, 2011. In the petition dated September 30, 2011, petitioner requested that the Office accept the papers deposit on November 9, 2010, absent Figure 13 and asserts that no other reply is required. Since Figure 13 is still present in the application and it is considered material to the examination, the petition cannot be accepted as being in compliance with 37 CFR 1.137(b).

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

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

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

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

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

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

/Diane Goodwyn/
Diane Goodwyn
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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SEATTLE WA 98109

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
D'AGOSTINO :
Application No. 61/411,918 : ON PETITION
Filed: November 9, 2010 :
Attorney Docket No. 2284.40856P1 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 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 Omitted Item(s) in a Provisional Application (Notice), mailed December 9, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 10, 2011. A Notice of Abandonment was mailed August 19, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form an amendment; (2) the petition fee of $1620; and (3) a statement of unintentional delay.

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

All other inquiries 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 pre-examination processing.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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HULSEY IP INTELLECTUAL PROPERTY LAWYERS, P.C.
919 CONGRESS AVENUE, SUITE 919
AUSTIN, TX 78701

MAILED

SEP 21 2011

OFFICE OF PETITIONS

In re Application of :
David Wares :
Application No. 61/411,922 : ON PETITION
Filed: November 10, 2010 :
Attorney Docket No.: IBSL003USP :

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

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. John Ryan C. Wood appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

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 November 22, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 23, 2011. A Notice of Abandonment was mailed on August 4, 2011. In response on August 29, 2011, 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 filing fee of $110 and the $25 surcharge; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

Subject to the provisions of 35 U.S.C. § 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

[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 the statement is not made by an attorney of record, 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

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

/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

SONNABENDLAW
600 PROSPECT AVE
BROOKLYN NY 11215

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Application of	:	
John Gorzelany	:	
Application No.: 61/412570	:	DECISION ON
Filing or 371(c) Date: 11/11/2010	:	PETITION
Attorney Docket Number:	:	
GOR1.001	:	

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed October 12, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed December 14, 2010. The Notice set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on February 15, 2011. A Notice of Abandonment was mailed August 25, 2011.

Applicant files the present petition and a provisional application coversheet and surcharge 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[1]; (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 due course.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

[1] Applicant asserts in the present petition that a timely reply was filed on February 14, 2011; however, a review of the copy of the reply filed with the present petition reveals that the reply was not filed in compliance with 37 CFR §§ 1.8 or 37 CFR 1.10.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JOHNS HOPKINS TECHNOLOGY TRANSFER
100 N. CHARLES ST.
5TH FLOOR
BALTIMORE MD 21201

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Application of :
Hager et al. :
Application No. 61/412,587 : NOTICE
Filed: November 11, 2010 :
Attorney Docket No. P11303-01 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed February 24, 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**.

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 Elaine P. Spector 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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MERCK
126 EAST LINCOLN AVE
RY60-30
RAHWAY NJ 07065

MAILED
SEP 19 2011
OFFICE OF PETITIONS

In re Application of :
Dimitrios Zarkadas et al. :
Application No. 61/412,665 : ON PETITION
Filed: November 11, 2010 :
Attorney's Docket No. **23000-US-PSP** :

This is a decision on the petition filed September 14, 2011, under 37 CFR 1.137(b)[1], to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on February 16, 2011, for failure to timely reply to the Notice to File Missing Parts, mailed December 15, 2010, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained prior to the abandonment of the application. Accordingly, a Notice of Abandonment was mailed September 7, 2011.

The submission of the provisional filing fee, as required by the Notice to File Missing Parts mailed December 15, 2010 is acknowledged. As the Notice to File Missing Parts also required a surcharge for the late filing of the oath or declaration, petitioner's deposit account no. 13-2755 has been charged in the amount of $50.00.

All other requirements having been met, this application is being forwarded to the Office of Patent Application Processing for further pre-examination processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In 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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Paper No.

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Finkel et al.	:	
Application Number: 61/412,775	:	LETTER
Filing Date: 11/11/2010	:	
Attorney Docket Number: 3460-P05161US00	:	

This is a letter in response to the REQUEST FOR CORRECTION OF PROVISIONAL APPLICATION COVER SHEET UNDER 37 CFR 1.51(c)(viii) filed on January 27, 2011.

The request is **GRANTED** to the extent indicated.

The application has been corrected by the filing of the supplemental Provisional Application Cover Sheet. The supplemental Provisional Application Cover Sheet has been accepted and in placed in the file. However, no further action will be taken in response to this request.

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

/D Wood/

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED

APR 11 2011

OFFICE OF PETITIONS

CARLTON, FIELDS, P.A.
P.O. BOX 3239
TAMPA, FL 33601-3239

In re application of :
Maria Therese J. Carreon :
Application No. 61/412,907 : NOTICE
Filed: November 12, 2010 :
Attorney Docket No. 55270/53515 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on January 25, 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

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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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP/GOOGLE INC.
300 SOUTH WACKER DRIVE, SUITE 3100
CHICAGO IL 60606

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Babak Amirparviz et al :
Application No. 61/413,105 : DECISION ON PETITION
Filed: November 12, 2010 :
Attorney Docket No. 10-1279 :

This is a decision on the petition under 37 CFR 1.182, filed, January 26, 2011, to correct the inventor's name of "Richardo Prada" to – Luis Ricardo Prada Gomez --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correction of the above-named inventor. A corrected Filing Receipt, which sets forth the above correction, 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 the undersigned at (571) 272-3208.

The matter is being referred to the Office of Patent Application Processing to be assigned to a Technology Center AU for examination by the examiner.

/Karen Creasy/
Karen Creasy
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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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/413,105	11/12/2010		220	10-1279		

CONFIRMATION NO. 7630

CORRECTED FILING RECEIPT

98929
McDonnell Boehnen Hulbert & Berghoff
LLP/Google Inc.
300 South Wacker Drive, Suite 3100
Chicago, IL 60606

OC000000047018550

Date Mailed: 04/07/2011

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)

Babak Amirparviz, Mountain View, CA;
Harvey Ho, Mountain View, CA;
Luis Ricardo Prada Gomez, Mountain View, CA;
Thad Starner, Mountain View, CA;

Power of Attorney:
Daniel Bestor--58439

If Required, Foreign Filing License Granted: 12/14/2010
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/413,105**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

Wireless Directional Identification and Subsequent Communication Between Wearable Electronic Devices

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same

effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with

respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DW Mar-11

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P.O. BOX 50784
DALLAS TX 75201

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Henry et al.	:	
Application Number: 61/413,251	:	ON PETITION
Filed: 11/12/2010	:	
Attorney Docket Number: 52538-P001V1	:	

This is a decision on the petition filed on January 31, 2011, which is treated as a petition under 37 CFR 1.182 requesting that the above-identified provisional application, without drawings, be accorded a filing date of November 12, 2010.

The petition is **GRANTED**.

The application was filed on November 12, 2010, without drawings. Accordingly, on January 5, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings.

On January 31, 2011, the present petition was filed. Petitioner's counsel argues that drawings are not necessary for the understanding of the subject matter sought to be patented.

MPEP § 601.01(f) states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

The arguments in the petition will be construed to mean that petitioner's counsel is asserting that drawings are not necessary for a filing date in this application. Drawings will not be further considered as a part of this case.

In view of the above, the "Notice" mailed January 5, 2011, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of November 12, 2010, without drawings as a part of the original disclosure.

No petition fee is due. The petition fee will be credited to counsel's deposit account.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to November 12, 2010.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
OCT 27 2011
OFFICE OF PETITIONS

ADVANTIA LAW GROUP
PO BOX 900547
SANDY UT 84090

In re Application of :
Abu-Ghazalah, et al. :
Application No. 61/413,862 : ON PETITION
Filed: November 15, 2010 :
Attorney Docket No. 4007.2.IP :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 14, 2011.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181".

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Missing Parts of Provisional Application, mailed December 27, 2010. This Notice set an extendable period for reply of two (2) months for applicants to submit the provisional application cover sheet, and $25 surcharge for its late filing. No cover sheet and surcharge having been received, the application became abandoned on February 28, 2011. The Office mailed a Notice of Abandonment on September 12, 2011.

Petitioner states that he did not receive the December 27, 2010 Notice to File Missing Parts. In support thereof, petitioner has included a copy of a docket record for the instant application.

To establish non-receipt of an Office action, a petitioner:

> must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.[1]

In addition, the Manual of Patent Examining Procedure § 711.03(c) also states:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Here, petitioner has not submitted a copy of a master docket report showing all of the firm's replies docketed for a due date of February 27, 2011. On renewed petition, petitioner should submit a copy of a master docket report, or if none exists, state such for the record.

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

---

[1] MPEP 711.03(c).

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ROBERT D. BECKER
1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO CA 94304

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of
Lang
Application No.61/413,995
Filed: November 16, 2010
Attorney Docket No. 44650-031-005

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a response to the Notice to File Missing Parts mailed December 17, 2010. This Office action set a two-month shortened statutory period for reply, with extensions of time obtainable under §1.136(a). No reply having been received, the above-identified application became abandoned on February 18, 2011. A courtesy Notice of Abandonment was mailed on August 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $110 provisional filing fee and the $25 surcharge fee, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Petitioner has appointed a representative to conduct all business before the U.S. Patent and Trademark Office (Office). The Office will not engage in dual correspondence with petitioner and petitioner's representative. Accordingly, petitioner must conduct all future correspondence with this Office through the representative of record. If petitioner no longer wishes to be represented by the representative of record, then a revocation of the power of attorney or patent agent should be submitted. A correspondence address must be included on the correspondence instructing the Office where all future communications are to be mailed. See 37 CFR 1.33(a). Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received

Charlema Grant
Attorney Advisor
Office of Petitions

Cc: Daniel Stewart Lang
2700 Las Vegas Blvd. South, Suite 3703
Las Vegas, NV 89109

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CAMORIANO & ASSOCIATES
8225 SHELBYVILLE ROAD
LOUISVILLE KY 40222

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FEB 08 2011

OFFICE OF PETITIONS

In re Application:
Mehrooz Zamanzadeh et al.
Application No. 61/414,144
Filed: November 16, 2010
Attorney Docket No. MAT.108

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 9, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

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

This file is being forwarded to the Office of Initial Patent Examination.

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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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

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APR 07 2011
OFFICE OF PETITIONS

In re Application of :
Kee S. Moon :
Application No: 61/414,798 : ON PETITION
Filed: November 17, 2010 :
Attorney Docket No: 38673-702.101 :

This is a decision on the petition filed on January 4, 2011, which is treated as a petition requesting that the above-identified provisional application, without drawings, be accorded a filing date of November 17, 2010.

The petition is **GRANTED**.

The application was filed on November 17, 2010, without drawings. Accordingly, on December 30, 2010, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings.

In response, on January 4, 2011, the subject petition was filed. Petitioners assert that the application, as filed, is entitled to a filing date because drawings are not necessary for an understanding of the subject matter sought to be patented.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but

> filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

A review of the record reveals that the application papers deposited on November 17, 2010, contain at least one method claim. Accordingly, the application is treated as a provisional application containing at least some disclosure of a process or method.

Drawings will not be further considered as a part of this case.

In view of the above, the Notice of Incomplete Provisional Application mailed on December 30, 2010, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of November 17, 2010, without drawings as a part of the original disclosure. No petition fee is due. Petitioner may request a refund of the petition fee provided on January 4, 2011, by writing to the Office of Finance, Refund Section. A copy of this decision should accompany the request.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to **November 17, 2010**, and for an indication in Office records that no (0) drawings were present on filing.

Telephone inquiries specific to this matter should be directed to Karen Creasy at 571 272-3208.

Anthony Knight
Director
Office of Petitions

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Paper No.

AIR PRODUCTS AND CHEMICALS, INC.
PATENT DEPARTMENT
7201 HAMILTON BOULEVARD
ALLENTOWN PA 18195-1501

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of :
Leighta Johnson :
Application No. 61/415,124 : DECISION
Filed: November 18, 2010 : ON PETITION
Atty Docket No. 07466Z USA :

This is in response to the "PETITION TO ESTABLISH THAT DRAWINGS ARE NOT NECESSARY UNDER 35 §113 FOR A FILING DATE" filed December 8, 2010, requesting that the above-identified application be accorded a filing date of November 18, 2010.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on November 18, 2010. However, on November 26, 2010, the Office mailed a "Notice of Incomplete Provisional Application," stating that the application had not been accorded a filing date because the application was deposited without drawings.

In response, applicant timely filed the instant petition. Applicant asserts that the drawings are not required for the subject matter of the application as the provisional application generally describes a method and gas composition for pre-heating and/or heating a catalytic heater.

35 U.S.C. 111(b)(4) provides that:

> The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

However, it is the practice of the Office to treat an application that contains at least one process or method or composition 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). MPEP § 601.01(f).

A review of the original application papers filed November 18, 2010, reveals that they contained at least one method claim. Thus, the application, as filed was complete within the meaning of 37 CFR §1.53(b), and entitled to a filing date of November 18, 2010.

Accordingly, the petition is granted to the extent that the provisional application will be accorded the November 18, 2010 filing date with no drawings as a part of the original disclosure of the application.

The drawing submitted on petition filed December 8, 2010 will not be entered. Applicant is reminded that no amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application. See 35 U.S.C. 111(b)(4) and 37 C.F.R. 1.53(c). Thus, in a provisional application, petitioner does not have the option of amending the application, even on the basis that those figures do not constitute new matter.

Given the basis for granting the petition, the petition fee is being refunded as requested.

This application is being forwarded to the Office of Patent Application Processing for:

- **Correction of the filing date to November 18, 2010**; and
- indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.

Applicant will receive appropriate notifications regarding any missing items or fees owed, and other information in due course from the Office of Patent Application Processing.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Nixon Peabody LLP
P.O. Box 60610
Palo Alto CA 94306

MAILED
DEC 06 2011
OFFICE OF PETITIONS

In re Application of :
Fathy Yassa :
Application No. 61/415,284 : DECISION ON PETITION
Filed: November 18, 2010 :
Attorney Docket No. 059560-0006 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed November 24, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 25, 2011. A Notice of Abandonment was mailed on August 5, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a provisional basic filing fee of $125, a surcharge fee of $25 (2) the petition fee of $930, and (3) a proper statement of unintentional delay. Accordingly the oath and declaration fee are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received November 17, 2011. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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GMG Intellectual Property Law
378 Cambridge Avenue, Ste. N
Palo Alto, CA 94306

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Xu Cui, et. al. :
Application No. 61/415,309 : DECISION GRANTNG PETITION
Filed: November 18, 2010 :
Attorney Docket No. 900001-600009 :

This is a decision on the petition filed January 10, 2011, requesting that the above-identified provisional application be accorded a filing date of November 18, 2010 rather than the presently accorded date of November 4, 2011.

The application was deposited on November 18, 2010. On December 29, 2010, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application notifying applicant that a filing date has not been accorded in the above application and the that the fling date will be date of receipt of the required drawings.

In response, seven (7) sheets of drawings were filed on January 4, 2011. However, on January 10, 2011, petitioner files the present petition stating that drawings are not necessary for an understanding of the invention and that the Office should have accorded a filing date of November 18, 2010, and mailed a Notice of Omitted Items rather than a Notice of Incomplete Provisional Application-filing date not granted.

Petitioner should note MPEP 506 – Completeness of Original Application (II) Incomplete Provisional Applications, which states "If the provisional application papers do not include at least a specification containing a description and a drawing, if necessary under 35 U.S.C. 113 (first sentence) or if the submitted application papers are too informal to be given a filing date, the case is held in *>OPAP< as an incomplete application and the applicant is informed of the shortcomings of the papers. No filing date is granted until the incompleteness is corrected. Such incompleteness may consist of the omission of any one of the following parts of an application. The component parts of a provisional application necessary to obtain a filing date are:

A specification as prescribed by 35 U.S.C. 112, first paragraph, and 37 CFR 1.71.
A drawing, if necessary under 35 U.S.C. 113 (first sentence) and 37 CFR 1.81(a).

Even though an application purports to include the component parts necessary to obtain a filing date, the application will still be held to be incomplete and a filing date will be refused if the component parts fail to satisfy the requirements set forth above.

MPEP 506.02 states in part, "The filing date of the provisional or nonprovisional application is the date of receipt in the Office of the application which includes a specification containing description pursuant to 37 CFR 1.71 and at least one claim (required for nonprovisional applications only) pursuant to 37 CFR 1.75, and any drawings required by 37 CFR 1.81(a).

See 37 CFR 1.53(b) and (c). If any of these items are missing, applicant will be notified to file them and the filing date will be the date of receipt of the missing part(s).

35 U.S.C. 113 states "The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented. When the nature of such subject matter admits of illustration by a drawing and the applicant has not furnished such a drawing, the Director may require its submission within a time period of not less than two months from the sending of a notice thereof. Drawings submitted after the filing date of the application may not be used (i) to overcome any insufficiency of the specification due to lack of an enabling disclosure or otherwise inadequate disclosure therein, or (ii) to supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim.

Petitioner should further note that an application filed without all of the drawings, but some of the drawings are received, as described in the specification, a Notice of Omitted Items will be mailed. However, if no drawings are received as described in the specification, then a Notice of Incomplete Application will be mailed.

In view of the above, petitioner's arguments are not well taken. However, since the petition contains a statement that the drawings are "not necessary for a full and complete understanding of the subject matter of the present provisional application," the petition is **granted**.

The $400 petition fee submitted on January 10, 2011, will credited back to petitioner's credit card in due course, and the seven (7) sheets of drawings containing Figures 1-7 filed on January 4, 2011, will not be used for processing, but will be retained in the application file.

This application file is being referred to the Office of Patent Application Processing for further processing with a filing date of November 18, 2010.

Telephone inquiries concerning this matter may be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

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ASTRAZENECA R&D BOSTON
35 GATEHOUSE DRIVE
WALTHAM, MA 02451-1215

MAILED

OCT 18 2011

OFFICE OF PETITIONS

In re Application of :
Seiji Hori, et. al. :
Application No. 61/415,700 : ON PETITION
Filed: November 19, 2010 :
Attorney Docket No. 104108-1L US/O :

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

The application became abandoned for failure to reply to the Notice to File Missing Parts of Provisional Application mailed December 20, 2010. A Notice of Abandonment was mailed on September 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Application Data Sheet (ADS) and the $50 surcharge; (2) the petition fee of $1,860; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office also acknowledges receipt of $2,690 for a five months extension of time filed on September 30, 2011. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the $2,690 extension of time submitted with the petition on was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

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CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

MAILED

SEP 29 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Knots :
Application No.61/415,751 :
Filed: November 19, 2010 :
For: LUBRICANT FOR PERCUSSION EQUIPMENT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 22, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

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

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was mailed on December 21, 2010. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 22, 2011. A Notice of Abandonment was mailed September 1, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(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), although petitioner has provided the $50 surcharge the office is not in receipt of the coversheet or signed supplemental application data sheet declaration as required pursuant to 37 CFR 1.51(c)(1) and 37 CFR 1.76.

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

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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CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON CA 94583-0806

MAILED
NOV 16 2011
OFFICE OF PETITIONS

In re Application of :
Knots :
Application No.61/415,751 : ON PETITION
Filed: November 19, 2010 :
For: LUBRICANT FOR PERCUSSION :
EQUIPMENT

This is a decision on the renewed 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 above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was mailed on December 21, 2010. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 22, 2011. A Notice of Abandonment was mailed September 1, 2011. A petition filed under 37 CFR 1.137(b) was dismissed on September 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 an ADS and $50 surcharge, (2) the petition fee of $1620.00, and (3) a proper statement of unintentional delay.

Petitioner is reminded subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

The two month extension of time fee is being refunded as it is not required.

This application is being referred to the Office of Patent Application Processing for further 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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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of :
Sengun et al. :
Application No. 61/416562 :
Filing or 371(c) Date: 11/23/2010 : ON PETITION
Attorney Docket Number: :
MIT5141USPSP :

This decision is in response to the petition under 37 CFR 1.182, to correct inventor's names, filed December 13, 2011.

MPEP 201.03, Correction of Inventorship in an Application, provides

(B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee."

MPEP 605.04(b)

Applicant is further advised that

> Although 37 CFR 1.76 does not change the practice in MPEP § 201.03 and § 605.04(b) regarding correction of a typographical or transliteration error in the spelling of an inventor's name whereby all that is required is notification of the error to the Office, the Office strongly encourages the filing of an application data sheet or a supplemental application data sheet to correct a typographical or transliteration error in the spelling of an inventor's name. A supplemental oath or declaration is not required.
> If applicant merely files a statement notifying the Office of the typographical or transliteration error in the spelling of an inventor's name without submitting an application data sheet or a supplemental application data sheet, 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 601.05

The petition is hereby **granted**.

The name of inventor Mehmet Ziya Sengen has been changed to Mehmet Ziya Sengun, and the name of inventor David Spenciner has been changed to David B. Spenciner, and the names Ziya Sengun and David B. Spenciner have been entered and made of record in the above-identified application.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosures: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/416,562	11/23/2010		270	MIT5141USPSP		

CONFIRMATION NO. 2392

CORRECTED FILING RECEIPT

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

OC000000052238723

Date Mailed: 01/27/2012

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)

Mehmet Ziya Sengun, Raynham, MA;
Howard Tang, Raynham, MA;
Dave B. Spenciner, Raynham, MA;
Gregory R. Whittaker, Raynham, MA;
Gerome Miller, Raynham, MA;

Power of Attorney:
Andrew Farmer--35868

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 12/20/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/416,562**

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

Non-Publication Request: No

Early Publication Request: No

Title

TISSUE ANCHOR WITH FRICTIONAL SUTURE ENGAGEMENT

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

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Paper No.

MAILED

APR 25 2011

OFFICE OF PETITIONS

Tyco Healthcare Group LP
d/b/a Covidien
555 Long Wharf Drive
Mail Stop 8-N1, Legal Department
New Haven CT 06511

In re Application of :
Pribanic :
Application No. 61/416,781 :
Filed: November 24, 2010 :
Attorney Docket No. H-US-02928PRO :
(203-7888 :
Title: ACCESS DEVICE INCLUDING :
EXPANDABLE DISTAL FLANGE :

DECISION ON PETITION
PURSUANT TO
37 C.F.R. § 1.182

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS IN A PROVISIONAL APPLICATION," filed January 25, 2011, requesting that the above-referenced application be accorded a filing date of November 24, 2010, including Figures 5A - 5C. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182.

This petition pursuant to 37 C.F.R. § 1.182 is **DISMISSED**. This application will retain a filing date of November 24, 2010, however Figures 5A - 5C will not be entered.

Receipt of the concurrently filed $400 petition fee is acknowledged.

The application was deposited on November 24, 2010. However, on December 2, 2010, the Office of Data Management mailed a "Notice of Omitted Item(s) in a Provisional Application" (notice), stating that the application had been accorded a filing date, and advising Applicants that Figures 5A - 5C appeared to have been omitted on filing. The notice set a two-month period for reply.

In response, on January 25, 2011, Applicants filed this petition. The petition is further accompanied by a copy of Figures 5A - 5C, and it is noted with interest that Applicants do not assert that these figures were present on filing.

The notice set forth two options for Applicants. The first option indicated that if the Applicants wished to contend that the missing figures were present at the time of filing, a petition would need to be filed. The second option indicated that any failure to file a petition within two months of the mailing of the notice would be considered as a constructive acceptance of the application as deposited.

With this petition, Applicants have attempted to introduce three figures that were not present on filing. This cannot be done, for these figures can be entered only be amendment,[1, 2] and provisional applications cannot be amended.[3]

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for further processing in due course. This application will retain a filing date of November 24, 2010. Figures 5A - 5C will not be entered.

OPAP will note that **there is no need for Applicants to provide a response to this decision.**

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.[4]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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[1] 37 C.F.R. §§ 1.121(a) and (d).
[2] The electronic file does not contain an amendment directing the entry of these two drawings.
[3] See 37 C.F.R. § 1.53(c). See also M.P.E.P. § 601.01(b).
[4] Applicants 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, Applicants are reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Applicants.

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Molecule Law
22 W. Washington St
Suite 1500
Chicago IL 60602

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of :
Jerry A. Vasilatos, et al. :
Application No. 61/417,276 : DECISION ON PETITION
Filed: November 25, 2010 :
Attorney Docket No. Vasilatos 0002-0002 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of a Provisional Application (Notice), mailed December 20, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 21, 2011. The Notice of Abandonment was mailed September 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 an application data sheet and $25 surcharge, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

This application is being referred to the Office of Patent Application Processing for further processing.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Infinite Corridor Technology, LLC
41 Calumet Road
Winchester MA 01890

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of :
Boyce, et al. : DECISION ON PETITION
Application No. 61/417,439 :
Filed: November 28, 2010 :
For: FLEXIBLE AND STRETCHABLE :
PRINTED CIRCUIT BOARDS DESIGNED :
FOR LOCALIZED BENDING AND/OR :
STRETCHING :

The above-identified application has been referred to the Office of Petitions for consideration of the submission filed August 25, 2011. This matter is being treated pursuant to 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

In accordance with 37 CFR 1.33(b), "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant petition is not properly signed in accordance with 37 CFR 1.33(b)(4) in that each applicant named in the application has not signed the petition., Accordingly, the petition has not been reviewed on the merits.

Any request for reconsideration must be accompanied by a petition properly executed in accordance with 37 CFR 1.33(b).

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

By Mail: Mail Stop PETITION
Commissioner for Patents

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

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

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

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

/ALESIA M. BROWN/

Alesia M. Brown
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

3D SYSTEMS, INC.
ATTN: KEITH A. ROBERSON
333 THREE D SYSTEMS CIRCLE
ROCK HILL SC 29730

MAILED

OCT 06 2011

OFFICE OF PETITIONS

In re Application of
Guthrie Cooper
Application No. 61/417,719
Filed: November 29, 2010
Attorney Docket No. USA.480

DECISION ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed December 22, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 23, 2010. A Notice of Abandonment was mailed September 7, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the $270.00 Excess page fee, (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ROSETTA GENOMICS LTD.
C/O SHIMRIT FRANKEL
10 PLAUT STREET
REHOVOT 76706 IL ISRAEL

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Yaron Goren et al :
Application No. 61/417,905 : DECISION ON REQUEST FOR REFUND
Filed: November 30, 2010 :
Attorney Docket No. 168 Prov :

This is a decision on the Request For Refund filed February 1, 2011.

The request is **DISMISSED**.

The request for refund is dismissed because USPTO regulations require that papers filed in the application be signed by a registered attorney or agent, by the applicants (inventors) or by the assignee of the entire interest who has taken action in the application in accordance with 37 CFR 3.71. The request for refund is not signed. Note 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.

Additionally, applicant is encouraged to note the below regarding the filing of an unintended duplicate filing via EFS-Web:

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) **the request should include a statement of express abandonment of the instant application as it was filed in error.**

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

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

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Thomas Kerber
Unit 104
944 South Service Road
Stoney Creek ON L8E 6A2 CA CANADA

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of :
Kerber :
Application No. 61/418,009 : ON PETITION
Filed: November 30, 2010 :
Attorney Docket No. 061 TK-39-US :

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

The petition is GRANTED.

The application became abandoned February 10, 2011 for failure to timely submit a proper reply to the Notice of File Missing Parts of Provisional Application (Notice) mailed December 9, 2010. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed August 18, 2011.

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

A provisional application may be abandoned prior to 12 months from its filing date for failure to reply to an Office requirement (e.g., failure to submit the filing fee and/or cover sheet). Applicant may petition to have an abandoned provisional application revived as a pending provisional application for a period of no longer than 12 months from the filing date of the provisional application where the delay was unavoidable or unintentional. It would be permissible to file a petition for revival later than 12 months from the filing date of the provisional application but only to revive the application for the 12-month period following the filing of the provisional application. Thus, even if the petition were granted to establish the pendency up to the end of the 12-month period, the provisional application would not be considered pending after 12 months from its filing date. See, MPEP 711.03(d); 37 CFR 1.53(b)(5); and 35 USC 119(e)(3).

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

This application is being directed to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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NOV 17 2011
OFFICE OF PETITIONS

SCHLUMBERGER OILFIELD SERVICES
10001 RICHMOND AVENUE
IP ADMINISTRATION CENTER OF EXCELLENCE
HOUSTON, TX 77042

In re Application of :
Timothy Andrew John Hopper :
Application No. 61,418,172 : ON PETITION
Filed: November 30, 2010 :
Attorney Docket No. IS10.0614 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 26, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed January 11, 2011. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 12, 2011.

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

A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, the requirements of the outstanding Office action mailed January 11, 2011 have not been met. The Notice required a provisional application cover sheet under 37 CFR 1.151(c)(1) and a surcharge of $50 under 37 CFR 1.16(g) to avoid abandonment of the application. A courtesy copy of this Office action is being mailed along with this decision. Accordingly, the petition to revive cannot be granted until the response to the Office action is received.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

April M. Wise
Petitions Examiner
Office of Petitions

cc: SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND, TX 77478

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IP ADMINISTRATION CENTER OF EXCELLENCE
HOUSTON, TX 77042

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DEC 05 2011

OFFICE OF PETITIONS

In re Application of :
Timothy Andrew John Hopper :
Application No. 61/418,172 : DECISION ON PETITION
Filed: November 30, 2010 :
Attorney Docket No. IS10.0614 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 21, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice), mailed January 11, 2011. The Notice set a period for reply of two (2) months from the mailed date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 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 a reply, (2) the petition fee of $1860, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1980 extension of time fee submitted with the petition on November 21, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received November 21, 2011.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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EDWARD YOO C/O BENNETT JONES LLP
3200 TELUS HOUSE, SOUTH TOWER
10020 - 100 STREET
EDMONTON, ALBERTA AB T5J 0N3 CA CANADA

MAILED
MAY 06 2011
OFFICE OF PETITIONS

In re Application of :
David A. Rider, et al. :
Application No. 61/418,231 :
Filed: November 30, 2010 :
Attorney Docket No. 55326.93 :

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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SMITH HOPEN, PA
180 PINE AVENUE AVENUE NORTH
OLDSMAR FL 34677

MAILED

FEB 23 2011

OFFICE OF PETITIONS

In re Application of :
ACEVEDO-DUNCAN, et al :
Application No. 61/418,585 : NOTICE
Filed: December 1, 2010 :
Attorney Docket No. 1372.828.PR :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

/Thurman K Page/
Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON KY 40550-0999

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
Bailey, et al. :
Application No. 61/418,849 : ON PETITION
Filed: December 1, 2010 :
Attorney Docket No. P128 :

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

The petition is GRANTED.

The application became abandoned February 16, 2011 for failure to timely submit a proper reply to the Notice of File Missing Parts (Notice) mailed December 15, 2010. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed August 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 has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being directed to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
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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HUSCH BLACKWELL LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

MAILED

DEC 16 2011

OFFICE OF PETITIONS

In re Application of :
Zhan, et al. :
Application No. 61/419,113 : ON PETITION
Filed: December 2, 2010 :
Attorney Docket No. 9467-113468 :

This is in response to the petition under 37 CFR 1.182 to change the inventor's name, filed December 1, 2011.

The petition is **GRANTED**.

Office records have been changed to reflect the change in the inventor's name from Hou Bing to Bing Hou.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Office of Technology Transfer
570 Devall Drive
Suite 102
Auburn AL 36832

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
David CALVERT et al. : ON PETITION
Application No. 61/419,437 :
Filed: December 3, 2010 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts mailed December 30, 2010, which set a shortened period for reply of two (2) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned March 3, 2011. A Notice of Abandonment was mailed September 13, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of the $25 surcharge and Response to missing parts, (2) a petition fee of $930, and (3) a statement unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

A provisional application may be revived so as to be pending for a period of no longer than 12 months from its filing date. This application is hereby deemed revived until December 3, 2011, after which it will become abandoned as a matter of law.

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 currently of record until such time as appropriate instructions are received to the contrary.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

The application will be referred to Office of Patent Application Processing for further processing.

Robert DeWitty
Petitions Attorney
Office of Petitions

cc: Bradley K. Groff
Gardner Groff Greenwald & Villanueva, PC
2018 Powers Ferry Rd., Ste. 800
Atlanta, GA 30339

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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of
Kallinger et al.
Application No. 61/419623
Filing or 371(c) Date: 12/03/2010
Attorney Docket Number:
SCHO0695PR

DECISION
ON PETITION

This is a decision on the "Petition to Review Refusal to Accord Filing Date (MPEP 506.02)," filed June 7, 2011, requesting the above-identified application be accorded a filing date of December 3, 2010. The petition is properly treated as a petition under 37 CFR 1.53(e).

The petition is granted.

The application was filed on December 3, 2010. On December 15, 2010, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant, *inter alia*, that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the present petition and avers that drawings are not necessary for an understanding of the subject matter sought to be patented.

The application complies with the patent statute and regulations based upon applicant's assertion that the figures are not necessary for an understanding of the invention. Based upon Applicant's assertion, a filing date may be accorded the application papers deposited on December 3, 2010. Accord MPEP 601.01(f).

Receipt of the petition fee is hereby acknowledged.

This application is being referred to the Office of Patent Application Processing, Customer Corrections, for further processing;

- with the filing date of December 3, 2010, using the application papers filed on that date, and an indication that no drawings were present or required on filing.

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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Paper No.

MAILED
DEC 01 2011
OFFICE OF PETITIONS

WM BRECK & ASSOCIATES
WILLIAM BRECK, ESQ.
#205
1285 BARING BLVD.
SPARKS NV 89434

In re Application of	:	
Ryan et al.	:	
Application No. 61/422,052	:	DECISION ON PETITION
Filed: December 10, 2010	:	PURSUANT TO
Title: METHOD OF RECEIVING	:	37 C.F.R. § 1.181(A)
STOCK, DONATING IT, AND	:	
RECEIVING FAIR MARKET	:	
VALUTATION FOR SAME	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on November 9, 2011.

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

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed December 30, 2010, which set a shortened statutory period for reply of two months and required the surcharge that is associated with the late submission of the provisional application filing fee. 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 March 1, 2011. A notice of abandonment was mailed on September 15, 2011.

RELEVANT PORTIONS OF THE C.F.R.

37 C.F.R. § 1.134 sets forth, *in toto*:

> An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

ANALYSIS

This application was filed on December 10, 2010, along with, *inter alia*, a four-page provisional application cover sheet. The provisional application filing fee was not submitted on original deposit (it was later provided to the Office on December 13, 2010, along with a maintenance fee transmittal form and a two-page provisional application cover sheet). Consequently, the Office mailed the aforementioned notice, requiring a "surcharge (for late submission of filing fee or cover sheet)."

With this petition, Petitioner has asserted that the provisional application cover sheet was included on initial deposit. The Office agrees, however this is not the reason the application went abandoned. The application went abandoned for failure to submit the surcharge that is associated with the late submission of the filing fee.

It follows that the record does not support a finding that the holding of abandonment should be withdrawn.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a) and/or (b). Unless Petitioner believes that he can successfully establish that the entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard. Petitioner may download information about these petitions here: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[1] hand-delivery,[2] or facsimile.[3] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[4]

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[5] All other inquiries concerning examination procedures should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300: please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Steven Merrill Harrington
1293 Blue Sky Drive
Cardiff CA 92007

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of :
Steven Merrill Harrington : DECISION ON PETITION
Application No. 61/422,564 :
Filed: 12/13/2010 :
Title: TURBULATOR FOR LIQUID :
COOLING SYSTEM FOR COMPUTERS :

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (Notice) mailed January 28, 2011. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time for response under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 29, 2011. A Notice of Abandonment was mailed on October 13, 2011.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay.

Accordingly, the petition is **GRANTED.**

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

Telephone inquiries specific 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
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MAILED

MAY 20 2011

OFFICE OF PETITIONS

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

In re Application of Crandall et al. :
Application No. 61/423,231 : Decision on Petition
Filing Date: December 15, 2010 :
Attorney Docket No. 66840US002 :

This is a decision on the petition under 37 C.F.R. § 1.53(e)(2) filed February 24, 2011, which requests the above-identified provisional application be accorded a filing date of December 15, 2010.

The petition is **granted**.

The application was filed December 15, 2010. The specification filed December 15, 2010, described drawings but no drawings were filed on December 15, 2010.

The Office mailed a Notice of Incomplete Provisional Application on December 29, 2010. The notice stated the application papers did not include drawings, the application had not been accorded a filing date, and the application's filing date would be the date of receipt of drawings.

It is the practice of the PTO to treat a provisional application that contains at least some disclosure directed to a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP 601.01(f) states:

> 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)....
>
> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains some disclosure directed to a process or method.

Pursuant to MPEP 601.01(g), a Notice of Omitted Items, rather than a Notice of Incomplete Application, should have been mailed informing petitioner a filing date had been accorded and that the drawing figures referred to in the specification appeared to be missing.

In view of the prior discussion, the December 29, 2010 Notice of Incomplete Application was mailed in error and is hereby withdrawn.

The application will be accorded a filing date of December 15, 2010, without drawings as requested in the petition.

The petition fee of $400 has been credited to Deposit Account No. 13-3723.

The instant matter will be referred to the Office of Patent Application Processing for further processing with a filing date of December 15, 2010, and for indication in USPTO records that "0" sheets of drawings were present on filing.

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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THE LAW OFFICE OF MICHAEL E. KONDOUDIS
888 16TH STREET, N.W.
SUITE 800
WASHINGTON DC 20006

MAILED
MAR 23 2011
OFFICE OF PETITIONS

In re Application:
Errikos Amarilio
Application No. 61/423,638
Filed: December 16, 2010
Attorney Docket No. 1400.0230P

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed February 15, 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
Petitions Examiner
Office of 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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JOHNS HOPKINS TECHNOLOGY TRANSFER
100 N. CHARLES ST.
5TH FLOOR
BALTIMORE MD 21201

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of :
Sawa :
Application No. 61/423,753 : ON PETITION
Recieved: December 16, 2010 :
Dkt. No. P11360-01 :

This decision is in response to the petition under 37 CFR 1.53(e), filed June 9, 2011 to accord the above-identified application a filing date of October 7, 2010. This is also a decision on the petition under 37 CFR 1.137(b) filed March 22, 2011.

The application was received December 16, 2010. The Notice of Incomplete Provisional Application (Notice) mailed January 6, 2011 by the Office of Patent Application Processing (OPAP) indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings in accordance with 35 USC 113.

DECISION UNDER 37 CFR 1.53(e)

The Notice indicated that all of the items noted therein must be submitted within **TWO MONTHS** of the date of the Notice, unless otherwise indicated, or proceedings would be terminated (37 CFR 1.53(e)). See, also, 37 CFR 1.181(f).

The Notice further indicated that the filing date of the application would be the date of receipt of all required items, unless otherwise indicated and that any assertions that the items required were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the $400.00 petition fee (37 CFR 1.17(f)).

The instant petition lacks the required $400.00 petition further. Further, the instant petition, without explanation, has been submitted more than two months after the mail date of the Notice mailed January 6, 2011.

In view thereof, the petition is **DISMISSED AS UNTIMELY**.

DECISION UNDER 37 CFR 1.137(b)

The provisions of 37 CFR 1.137(b) are not applicable to applications papers filed before the Office that as a result of not meeting the requirements of 37 CFR 1.53(c) have not been accorded a filing date and wherein proceedings have been terminated.

Accordingly, the petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

Petitioner is entitled to a refund of the $810.00 petition to revive fee submitted June 9, 2011. A refund may be requested by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

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
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JOHNS HOPKINS TECHNOLOGY TRANSFER
100 N. CHARLES ST.
5TH FLOOR
BALTIMORE MD 21201

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
Sawa :
Application No. 61/423,753 : ON PETITION
Received: December 16, 2010 :
Dkt. No. P11360-01 :

This decision is in response to the renewed petition under 37 CFR 1.53(e), filed July 8, 2011 to accord the above-identified application a filing date of October 7, 2010. This is also a decision on the renewed petition under 37 CFR 1.137(b) filed July 8, 2011.

The application was received December 16, 2010. The Notice of Incomplete Provisional Application (Notice) mailed January 6, 2011 by the Office of Patent Application Processing (OPAP) indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings in accordance with 35 USC 113.

DECISION UNDER 37 CFR 1.53(e)

As previously indicated, the Notice indicated that all of the items noted therein must be submitted within **TWO MONTHS** of the date of the Notice, unless otherwise indicated, or proceedings would be terminated (37 CFR 1.53(e)). See, also, 37 CFR 1.181(f).

The Notice further indicated that the filing date of the application would be the date of receipt of all required items, unless otherwise indicated and that any assertions that the items required were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the $400.00 petition fee (37 CFR 1.17(f)).

Petitioner's initial reply to the Notice was untimely June 9, 2011. Petitioner has provided no explanation for the untimely response to the Notice. Accordingly, the petition remains **DISMISSED AS UNTIMELY**.

Petitioner requests a filing date of December 16, 2010 without drawings as part of the record. Petitioner herein further argues that drawings are not necessary for an understanding of the invention because the specification adequately describes the invention. Petitioner directs the Office's attention to MPEP 601.01(f).

Petitioner's arguments have been carefully considered, but are not persuasive. While petitioner argues that the drawings are not necessarily for an understanding of the subject matter sought to

be patented, the application as deposited failed to meet the requirements for accordance of a filing date because the specification as filed did not include drawings.

35 USC 113 states:

> The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented. When the nature of such subject matter admits of illustration by a drawing and the applicant has not furnished such a drawing, the Director may require its submission within a time period of not less than two months from the sending of a notice thereof. Drawings submitted after the filing date of the application may not be used (i) to overcome any insufficiency of the specification due to lack of an enabling disclosure or otherwise inadequate disclosure therein, or (ii) to supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim.

Thus, the law is clear that the complete application must include a drawing when the nature of the case admits of it. See, In re Application Papers, 152 USPQ 27 (1965).

Accordingly, the application as submitted was not entitled to a filing date as it failed to comply with 35 USC 113.

The Office is not persuaded by applicant's argument that the drawings are not necessary. The specification as filed specifically refers to drawings. Thus, in accordance with MPEP 601.01(f), drawings are deemed necessary.

As the application was admittedly deposited without the drawings required per 35 USC 113, petitioners have failed to establish that the application is entitled to a filing date.

Petitioner is reminded that 35 USC 111(a)(4) provides, in part:

> The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

Accordingly, as drawings to date have not been submitted, the instant application has not been accorded a filing date.

In view thereof, the petition is hereby further **DISMISSED ON THE MERITS**.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date set forth above. This period of time is not subject to extension under 37 CFR 1.136. Any request for reconsideration should be titled "Request for Reconsideration under 37 CFR 1.53(e)(2)."

Any request for reconsideration should provide explanation of the untimely filing of a reply to the Notice mailed January 6, 2011. Further, if petitioner seeks a filing date, any request for reconsideration must include the required drawings and a petition for a later filing date.

Receipt of the required $400.00 petition fee is hereby acknowledged. The petition fee will not be refunded as the petition was not necessitated due to USPTO error.

DECISION UNDER 37 CFR 1.137(b)

As previously indicated in the decision mailed June 20, 2011, the provisions of 37 CFR 1.137(b) are not applicable to applications papers filed before the Office that as a result of not meeting the requirements of 37 CFR 1.53(c) have not been accorded a filing date and wherein proceedings have been terminated.

Accordingly, the petition under 37 CFR 1.137(b) remains **DISMISSED AS MOOT**.

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Tyco Healthcare Group LP
d/b/a Covidien
555 Long Wharf Drive
Mail Stop 8-N1, Legal Department
New Haven CT 06511

MAILED
MAR 08 2011
OFFICE OF PETITIONS

In re Application of :
MARCZYK et al. :
Application No. 61/424,251 : DECISION ON PETITION
Filed: December 17, 2010 :
Attorney Docket No. H-US-02605PRO(203-7264PRO :

This is a decision on the petition under 37 CFR 1.57(a) filed January 19, 2011, which is properly treated as a petition under 37 CFR 1.182, requesting that the above-identified application be accorded a filing date of January 19, 2011, with Figures 47-108.

The above-identified application was filed on December 17, 2010. However, on December 30, 2010, the Office mailed a "Notice of Omitted Item(s) in a Provisional Application," stating that the application had been accorded a filing date of December 17, 2010, and advising applicant that Figures 47-108 appeared to have been omitted.

In response, on January 19, 2011, applicant submitted the present petition, copies of Figures 47-108, and the petition fee. Applicant acknowledges that Figures 47-108 was inadvertently omitted from the application papers as filed.

The Notice of Omitted Items provided applicant with the following options: 1) if applicant contends that the omitted items were in fact deposited in the USPTO, applicant must file a petition and a $400.00 petition filed with evidence of such deposit, usually by way of a date-stamped postcard receipt; or 2) if applicant fails to submit a petition and petition fee within TWO MONTHS of the date of the Notice, it will be treated as a constructive acceptance by applicant of the provisional application as deposited in the USPTO. Further, the application will include only those application papers present in the USPTO on the date of deposit.

Applicant acknowledges that Figures 47-108 were not present on filing, and therefore, cannot provide the Office with evidence of deposit on December 17, 2010. Accordingly, the Office correctly mailed

the Notice of Omitted Item(s). Figures 47-108 are not entitled to a filing date of December 17, 2010. Moreover, in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant a petition under 37 CFR 1.182 to accept an omitted item and accord an application filing date as of the date of such submission in the provisional application. Applicant should simply file a new completed provisional application. MPEP 601.01(d).

The petition is **DISMISSED**.

This matter will be referred to the Office of Patent Application Processing to process the application with a filing date of December 17, 2010, using ONLY the application papers submitted on that date.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD CT 06901

In re Application of	:	
Chen et al.	:	
Application No. 61/424,332	:	ON PETITION
Deposited: December 17, 2010	:	
Attorney Docket No. 0007256USP/2471	:	

This is in response to the "PETITION TO GRANT A FILING DATE UNDER 37 CFR 1.53(e)(2)" filed January 28, 2011.

Application papers in the above-identified application were deposited on December 17, 2010. However, on January 7, 2011, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Provisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants argue drawings are not necessary for a filing date.

Petitioner's arguments and evidence have been considered. A review of the application confirms that, as filed, the application contained at least one method claim. 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. The instant application is entitled to a filing date without drawings present in the application.

To the extent the instant petition requests a filing date of December 17, 2010 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, a petition fee is not required.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to December 17, 2010**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may 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
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Alexandria, VA 22313-1450
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MAR 08 2011

OFFICE OF PETITIONS

OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD CT 06901

In re Application of :
Chen et al. :
Application No. 61/424,332 : ON PETITION
Deposited: December 17, 2010 :
Attorney Docket No. 0007256USP/2471 :

This is in response to the "PETITION TO GRANT A FILING DATE UNDER 37 CFR 1.53(e)(2)" filed January 28, 2011.

Application papers in the above-identified application were deposited on December 17, 2010. However, on January 7, 2011, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Provisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants argue drawings are not necessary for a filing date.

Petitioner's arguments and evidence have been considered. A review of the application confirms that, as filed, the application contained at least one method claim. 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. The instant application is entitled to a filing date without drawings present in the application.

To the extent the instant petition requests a filing date of December 17, 2010 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, a petition fee is not required.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to December 17, 2010;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

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

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202

MAILED

APR 01 2011

OFFICE OF PETITIONS

In re Application of :
Yoichiro Yamamoto :
Application Number: 61/425,026 : ON PETITION
Filing Date: 12/20/2010 :
Attorney Docket Number: 11963PQ :

This is a decision in reference to the "PETITION TO ACCORD FILING DATE UNDER 37 CFR 1.53(e)," filed on February 11, 2011, which is treated as a petition requesting that the above-identified application be accorded a filing date of December 20, 2010, with Figure 8B as a part of the original disclosure.

The petition is **dismissed**.

The application was filed on December 20, 2010.

Accordingly, on January 13, 2011, the Office of Patent Application Processing mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of December 20, 2010, but that Figure 8B described in the specification appeared to have been omitted.

In response, on February 11, 2011, the subject petition was filed. Petitioner asserts that Figure 8B was in fact filed on December 20, 2010. Specifically, petitioner states that "Applicant's records reflect that drawing sheet 23/25, bearing Fig. 8B, was, in fact, filed with the Office electronically on December 20, 2010, included in the .pdf file submitted." A copy of the application papers, including drawing sheet 23 of 25, containing Figures 8B and 9B, is included with the petition.

Petitioner's argument has been carefully considered, but is not persuasive. In accordance with MPEP 103, the U.S. Patent and Trademark Office (Office) Image File Wrapper (IFW) is the official record of the papers originally filed in this application. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

A review of the record reveals that 25 sheets of drawings were filed on December 20, 2010, including Figures 1, 2A, 2B, 2C, 3, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4I, 5A, 5B, 5C, 5D, 6, 7A, 7B, 7C, 8A, 9A, and 9C. No sheet of drawings containing Figure 8B, however, is among the application papers deposited on December 20, 2010. Rather, sheet 23 of 25 contains no drawing figures.

The PDF files that applicants submitted are exactly as seen in the Image File Wrapper (IFW) system. As such, the failure to upload the desired drawings was the result of an error on the part of the applicant, not the Office.

In this regard, applicant, not the Office, is ultimately responsible for the proper and timely filing of his or her application. While the EFS-Web system was designed to assist applicants in avoiding mistakes and omissions in filing applications, the responsibility for filing a complete application remains with the applicant. In other words, it is the responsibility of the applicant, not the USPTO, to ensure that the required documents are attached and uploaded when filing an application via EFS-Web.

The copies of application papers filed on February 11, 2011 will be retained in the application file, but will not be processed or examined as a part of the application as filed.

The "Notice" mailed on January 13, 2011, was correct in stating that Figure 8B described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

As the present petition was not necessitated by any error on the part of the Office and the $400.00 petition was required upon filing of the petition, and will be charged to counsel's deposit account as authorized in the petition.

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.[1]

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

By mail: Mail Stop Petition
Commissioner for Patents

[1] 37 CFR 1.181(f).

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

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

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

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

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing with a filing date of December 20, 2010, using only the application papers present on filing.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Perkins Coie LLP
PO Box 1247
Seattle WA 98111-1247

MAILED
JUN 10 2011
OFFICE OF PETITIONS

In re Application of	:	
Brendon P. Cassidy	:	
Application No. 61/425192	:	
Filing or 371(c) Date: 12/20/2010	:	
Attorney Docket Number:	:	DECISION
09073-8001.US01	:	ON PETITION

This is a decision on the "Petition in Withdraw Holding of Incomplete Provisional Application Under 37 CFR 1.53(e) or 1.182," filed February 25, 2011. The petition is properly treated as a petition under 37 CFR 1.53(e).

The petition is granted.

The application was filed on December 20, 2010. On January 4, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant, *inter alia*, that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and provides that the application as-filed included a method claim.

A review of the file confirms that the specification contains a method claim. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition 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).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains method claims; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice mailed January 4, 2011, was mailed in error and is hereby withdrawn.

This application is being referred to the Office of Patent Application Processing, Customer Corrections, for further processing, with the filing date of December 20, 2010, and an indication that no drawings were present or required on filing.

The petition fee has been refunded to Petitioner's deposit account.

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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VIKSNINS HARRIS & PADYS PLLP
P.O BOX 111098
St. Paul MN 55111-1098

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
William Watkins, et al. :
Application No. 61/425,194 : DECISION ON PETITION
Filed: December 20, 2010 :
Attorney Docket No. 01692.390PV1 :

This is a decision on the petition under 37 CFR 1.182, filed, June 21, 2011, to correct the spelling of the name of inventor "William Watson" to – William Watkins --.

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 Terri Johnson at (571) 272-2991. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing for further processing.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/425,194	12/20/2010		490	01692.390PV1		

CONFIRMATION NO. 2468

CORRECTED FILING RECEIPT

53684
VIKSNINS HARRIS & PADYS PLLP
P.O BOX 111098
St. Paul, MN 55111-1098

Date Mailed: 07/13/2011

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)

William Watkins, Foster City, CA;
David Oldach, Foster City, CA;
William Delaney, Foster City, CA;

Power of Attorney:
Paul Savereide--36914

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 01/07/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/425,194**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

METHODS FOR TREATING HCV

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international

application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national

security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450

MAILED
OCT 25 2011
OFFICE OF PETITIONS

Infinite Corridor Technology, LLC
41 Calumet Road
Winchester MA 01890

In re Application of :
Mary C. BOYCE et al. : ON PETITION
Application No. 61/425,314 :
Filed: December 21, 2010 :

This is in response to the communication filed October 4, 2010, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 (no fee), and alternatively, under 37 CFR 1.137(b) to revive the above-identified application.

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

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

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181 (f).

The application was held abandoned for failure to respond to the Notice to File Missing Parts mailed January 5, 2011 (Notice), which set a shortened period for reply of two (2) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed September 21, 2011.

It is noted the instant petition has not been signed by all of the inventors or the assignee of the entire interest, or by an attorney registered to practice before the Office. Further, a power of attorney has not been given to the signer M. Boyce.

A grantable petition to withdraw holding of abandonment under 37 CFR 1.181 based on failure to receive an Office action requires: (1) a statement from the petitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed. The instant petition lacks item (2).

Specifically, whereas petitioner states that the Notice mailed January 5, 2011 was not received, petitioner has not provided evidence in the way of a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Regarding the petition under 37 CFR 1.137(b), a grantable petition 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 CFR1.137(d). The petition lacks items (1), (2), and (3).

Regarding item (1), petitioner has not provided a response to the Notice mailed January 5, 2011.

Regarding item (2), petitioner has not submitted the petition fee of $930.

Regarding item (3), the statement of unintentional delay is not acceptable, as it is not properly sign for reasons noted earlier.

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, Virginia 22313-1450

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

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

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

Enclosed:
(1) Form PTO/SB/64, "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)"
(2) Copy of Notice to file Missing Parts

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/425,314	12/21/2010	Mary C. Boyce	

CONFIRMATION NO. 2953

Infinite Corridor Technology, LLC
41 Calumet Road
Winchester, MA 01890

FORMALITIES LETTER

OC000000045230046

Date Mailed: 01/05/2011

NOTICE TO FILE MISSING PARTS OF PROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(c)

Filing Date Granted

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

- The provisional application cover sheet under 37 CFR 1.51(c)(1), which may be an application data sheet (37 CFR 1.76), is required identifying:
  - either city and state, or city and foreign country, of the residence of each inventor.

The applicant needs to satisfy supplemental fees problems indicated below.

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

- A surcharge (for late submission of filing fee or cover sheet) as set forth in 37 CFR 1.16(g) of **$25** for a small entity in compliance with 37 CFR 1.27, must be submitted.

SUMMARY OF FEES DUE:

Total fee(s) required within **TWO MONTHS** from the date of this Notice is **$25** for a small entity
- **$25** Surcharge.

Replies should be mailed to:

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

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

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

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

/fberhane/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Application of :
Hollard et al. :
Application No. 61/426,645 : DECISION ON REQUEST
Filed: December 23, 2010 : PURSUANT TO
Attorney Docket No. 02970-23880US01 : 37 C.F.R. § 5.25
Title: CRYOPROTECTIVE COMPOSITIONS AND USES THEREOF :

This is a decision on the petition pursuant to 37 C.F.R. § 5.25, filed on December 21, 2011, seeking a retroactive license for foreign filing under 35 U.S.C. § 184.

The petition is **DISMISSED**.

A grantable petition pursuant to 37 C.F.R. § 5.25 must be accompanied by:

(1) a listing of each of the foreign countries in which the unlicensed patent application material was filed;
(2) The dates on which the material was filed in each country;
(3) A verified statement (oath or declaration) containing:
  (i) An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
  (ii) A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
  (iii) An explanation of why the material was filed abroad through error and without deceptive intent

without the required license under § 5.11 first having been obtained, and;

(4) The required fee (§ 1.17(g) of this chapter).

The petition complies with requirements (1), (2), (3(ii), and (4) of 37 C.F.R. § 5.25. Petitioner has provided a listing of each of the foreign countries in which the unlicensed patent application material was filed,[1] the date on which the material was filed in another country,[2] and a verified statement containing an averment that the subject matter in question is not currently under a secrecy order;[3] a showing that the license has been diligently sought after discovery of the proscribed foreign filing,[4] and; an explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained.[5] Petitioner has further included the required $200 petition fee.

The petition fails to comply with requirements (3(i) and (3(iii) of 37 C.F.R. § 5.25. A discussion follows.

Regarding requirement (3)(i) of 37 C.F.R. § 5.25, there is no verified statement containing an averment that the subject matter in question was not under a secrecy order at the time it was filed abroad.

Regarding requirement (3)(iii) of 37 C.F.R. § 5.25, Petitioner has provided a statement from the person who had actual knowledge and made the actual decision to file abroad before securing a foreign filing license, however this statement does not reveal what error occurred which resulted in the foreign disclosure without first securing a foreign filing license. Declarant McMillian has explained that the European Application was filed concurrently with this U.S. Provisional Application. On renewed petition, Petitioner must explain what error led to the disclosure of this information in a foreign filing, prior to securing a foreign filing license. It is noted that time deadlines for filings do not suffice as an "error" for securing a retroactive foreign filing license.

The response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37

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1 Europe.
2 December 23, 2010.
3 Petition, page 2.
4 Id. at 2-3.
5 Id.

C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 5.25." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

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.[10]

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

---

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300: please note this is a central facsimile number.
9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
10 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON DC 20001

MAILED

MAY 04 2011

OFFICE OF PETITIONS

In re Application of :
Li et al. :
Application Number: 61/426,733 :
Filing Date: 12/23/2010 :
Attorney Docket Number: WDTI-004/00US 307449-2008 :

ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed on March 17, 2011, which is treated as a petition requesting that the above-identified provisional application be accorded a filing date of December 23, 2010.

The petition is **GRANTED**.

The application was filed on December 23, 2010, without drawings. Accordingly, on January 21, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application stating that the application has not been accorded a filing date because application had not been accorded a filing date because the application had been deposited without drawings.

On January 28, 2011, applicant filed drawings. The application was then accorded a filing date of January 28, 2011.

On March 17, 2011, the present petition was filed. Petitioners argue that drawings are not necessary for an understanding of the subject matter sought to be patented, and so request that the application be accorded a filing date of December 23, 2010, without drawings.

As stated in MPEP 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

A review of the official file reveals that the application includes three (3) method claims. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed January 21, 2010, was mailed in error and is hereby withdrawn.

The application will be processed using the application papers present on filing on December 23, 2010. Drawings will no longer be considered a part of the subject application.

The application is accorded a filing date of December 23, 2010, without drawings as a part of the original disclosure. The petition fee paid of $400.00 will be credited to counsel's deposit account.

The application is being returned to the Office of Patent Application Processing for reprocessing with a filing date of December 23, 2010, using only the application papers filed on that date, and for an indication in Office records that no (0) sheets of drawings were present on filing.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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NOV 08 2011

OFFICE OF PETITIONS

DOWELL & DOWELL P.C.
103 ORONOCO ST.
SUITE 220
ALEXANDRIA VA 22314

In re Application of :
Robert Kennedy :
Application No. 61/426,965 : DECISION ON PETITION
Filed: December 23, 2010 :
Attorney Docket No. 17492PRO :

This is a decision on the communication filed May 3, 2011 which is being treated as a petition under 37 CFR 1.182, for a change in the name of the inventor "Robert Kennedy" to –**Robert Krensky** --.

The petition is **GRANTED**.

Office records have been updated to reflect the change in the name of the inventor. A corrected Filing Receipt, which reflects the change in the name of the inventor, accompanies this decision on petition.

The required petition fee of $400.00 has been charged to petition's deposit account as authorized.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

/KOC/
Karen Creasy
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
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/426,965	12/23/2010		110	17492PRO		

CONFIRMATION NO. 1581

CORRECTED FILING RECEIPT

293
DOWELL & DOWELL P.C.
103 Oronoco St.
Suite 220
Alexandria, VA 22314

Date Mailed: 11/08/2011

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)

Robert Krensky, Toronto, CANADA;

Power of Attorney:
Ralph Dowell--26868

If Required, Foreign Filing License Granted: 01/03/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/426,965**

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

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

INTRA-OPERATIVE BLOOD RECOVERY SYSTEM

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Frank C. Eisenschenk, Ph.D.
Saliwanchik, Lloyd & Eisenschenk
P.O. Box 142950
Gainesville FL 32614-2950

MAILED

JAN 17 2012

OFFICE OF PETITIONS

In re Application of
DORSEY et al.
Application No. 61/427301
Filed: 12/27/2010
Attorney Docket No. 1544-PRO

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed December 27, 2011, requesting correction of the names of the first and third named inventors.

Applicants request the correction of the name of the first named inventor from "Kristi Moore Dorsey" to - - Kristi Mae Dorsey - -. Additionally, applicants request the correction of the name of the third named inventor from "Joe Zhou" to - - Han E. Zhou - -.

The petition is **GRANTED**.

The Office records have been updated to reflect the correction of the inventors' names as noted above. A corrected filing receipt accompanies this decision.

The $400.00 petition fee has been charged to the Deposit Account as authorized.

Inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

C T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/427,301	12/27/2010		220	1544-PRO		

CONFIRMATION NO. 1937

CORRECTED FILING RECEIPT

Frank C. Eisenschenk, Ph.D.
Saliwanchik, Lloyd & Eisenschenk
P.O. Box 142950
Gainesville, FL 32614-2950

Date Mailed: 01/17/2012

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)

Kristi Mae DORSEY, Shawnee, KS;
Roger RUEHLING, Overland Park, KS;
Han E. ZHOU, Overland Park, KS;

Power of Attorney:
Frank Eisenschenk--45332

If Required, Foreign Filing License Granted: 01/20/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/427,301**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

Veterinary Vaccine Composition Against Infections Caused by Salmonella

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.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/427,301	12/27/2010	Kristi Mae DORSEY	1544-PRO

CONFIRMATION NO. 1937

Frank C. Eisenschenk, Ph.D.
Saliwanchik, Lloyd & Eisenschenk
P.O. Box 142950
Gainesville, FL 32614-2950

POA ACCEPTANCE LETTER

OC000000052018475

Date Mailed: 01/17/2012

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/27/2011.

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.

/ctdonnell/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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EAGAN MN 55121

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MAR 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Li et al.	:	
Application Number: 61/427965	:	ON PETITION
Filed: 12/29/2010	:	
Attorney Docket Number:	:	
2757USP1	:	

This is a decision in reference to the "RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION," filed on January 31, 2011, which is treated as a petition to accord the above-identified application a filing date of December 29, 2010.

The petition is **GRANTED**.

The application was filed on December 29, 2010, without drawings. Accordingly, on January 26, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings.

In response, on January 31, 2011, the subject petition was filed. Petitioners assert that the application as filed does not require a drawing as necessary for the understanding of the subject matter to be patented.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method 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.

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

A review of the record reveals that the application papers deposited on December 29, 2010, contain at least one method and composition claim. Accordingly, the application is treated as a provisional application containing at least some disclosure of a process or method.

Drawings will not be further considered as a part of this case.

In view of the above, the Notice of Incomplete Provisional Application mailed on January 26, 2011, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of December 29, 2010, without drawings as a part of the original disclosure. As no petition fee is due, the fee payment of $400.00 with the subject petition will be refunded to counsel.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to December 29, 2010, and for an indication in Office records that no (0) drawings were present on filing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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ALBEMARLE CORPORATION
451 FLORIDA STREET
BATON ROUGE LA 70801-1765

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MAR 25 2011

OFFICE OF PETITIONS

In re Application of :
Harrod et al. :
Application No. 61/428,100 : ON PETITION
Deposited: December 29, 2010 :
Attorney Docket No. B2-7925 :

This is in response to the "PETITION FOR FILING DATE UNDER 37 CFR 1.53(c)" filed February 25, 2011. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on December 29, 2010. However, on January 10, 2011, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Provisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants argue drawings are not necessary for a filing date.

Petitioner's arguments and evidence have been considered. A review of the application confirms that, as filed, the application contained at least one process claim. 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. The instant application is entitled to a filing date without drawings present in the application.

To the extent the instant petition requests a filing date of December 29, 2010 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, a petition fee is not required. The petition fee will be refunded.

---

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

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.

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.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to December 29, 2009**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

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

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Mary H. Drabnis
McGlinchey Stafford, PLLC
Attn: IP Group
301 Main Street, 14th Floor
Baton Rouge, LA 70802

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OFFICE OF PETITIONS

In re Application of	:	
Yair Weinberger	:	
Application No. 61/428,234	:	DECISION ON PETITION
Filed: December 30, 2010	:	
Attorney Docket No. 10086-2	:	

This is a decision on the petition, filed October 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**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notice to File Missing Parts mailed January 12, 2011, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on September 28, 2011.

Petitioner asserts that the Notice dated January 12, 2011 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

The showing required to establish nonreceipt of an Office communication must include:

(1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

(2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A).

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy items 2 and 3 of the above-stated requirements.

Accordingly, absent the required evidence to establish nonreceipt of the Notice of January 12, 2011, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

Also the petition was not properly signed. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
>
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
>
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under §3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

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 inventor, or a registered patent agent or attorney an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to be not properly signed.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $930 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

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

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

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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WM BRECK & ASSOCIATES
WILLIAM BRECK, ESQ.
1285 BARING BLVD., #205
SPARKS NV 89434

MAILED
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OFFICE OF PETITIONS

In re Application of	:	
Chris RYAN et al.	:	
Application No. 61/429,505	:	DECISION ON PETITION
Filed: January 04, 2011	:	
Attorney Docket No.	:	

This is a decision on the petition, filed November 09, 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**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Office action mailed January 25, 2011, which set a two (2) time period for reply. Accordingly the application became abandoned on March 26, 2011.

Petitioner request cross reference of application 61/429,505 to application 61/429,514 asserting that the application was filed twice and that he had no recollection of the event that would trigger a second filing on the same date within 20 minutes of the first filing.

A provisional application is regarded as abandon 12 months after the filing date and is not subject to revival after such 12 month period. The filing of the application was January 04, 2011. Hence this application became statuary abandoned January 05, 2012 and is not subject for revival.

The petition fails to satisfy the requirements under 37 CFR 1.181.

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

Thurman K. Page
Petitions Examiner
Office of Petitions

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

In re Application of
Brahms et al.
Application No. 61/429,720
Filing Date: January 4, 2011
Attorney Docket No. 113748-6063P2

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, February 10, 2012, to change the name of inventor "Alex Zhukov" to –**Oleksandr Zhukov** --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account. The $50.00 processing fee will be refunded.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3215. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

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

Charlema Grant
Attorney Advisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/429,720	01/04/2011		220	113748-6063P2		

CONFIRMATION NO. 2482

CORRECTED FILING RECEIPT

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

OC000000053170569

Date Mailed: 03/16/2012

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)

Jason Brahms, Culver City, CA;
Ryan Kido, Culver City, CA;
Oleksandr Zhukov, Kiev, UKRAINE;
Oleg Sharov, Kiev, UKRAINE;

Power of Attorney:
Samuel Lee--42791

If Required, Foreign Filing License Granted: 01/24/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/429,720**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

TECH LOGGER

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

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of

State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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OFFICE OF PETITIONS

ADELI & TOLLEN, LLP
11940 SAN VICENTE BLVD., SUITE 100
LOS ANGELES CA 90049

In re Application of	:	
Koponen et al.	:	
Application No. 61/429,754	:	DECISION ON PETITION
Filed: January 4, 2011	:	
Attorney Docket No. NCRA.P0005P	:	

This is a decision on the petition under 37 CFR 1.182, filed, November 16, 2011, to change the name of inventor "Andrew Walter Lambeth" to – Walter Andrew Lambeth –.

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.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/429,754	01/04/2011		270	NCRA.P0005P		

CONFIRMATION NO. 2597

CORRECTED FILING RECEIPT

48947
ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES, CA 90049

Date Mailed: 12/08/2011

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)

Teemu Koponen, San Francisco, CA;
Martin Casado, Portola Valley, CA;
Pankaj Thakkar, Santa Clara, CA;
Alexander Yip, Menlo Park, CA;
Walter Andrew Lambeth, San Mateo, CA;
Jeremy Stribling, San Francisco, CA;

Power of Attorney:
Mani Adeli--39585

If Required, Foreign Filing License Granted: 01/24/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/429,754**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

Method and Apparatus for Defining and Controlling Logical Data Path Sets

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.

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national

security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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DERGOSITS & NOAH LLP
Three Embarcadero Center
Suite 410
SAN FRANCISCO CA 94111

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MAR 24 2011

OFFICE OF PETITIONS

In re Application of :
Kaminsky :
Application No. 61/431,686 : ON PETITION
Deposited: January 11, 2011 :
Attorney Docket No. 1300.03.01PRO :

This is in response to the "PETITION UNDER 37 CFR 1.153(e)," filed February 23, 2011, requesting that the above-referenced application be accorded a filing date of January 11, 2011. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on January 11, 2011. However, on January 26, 2011, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Provisional Application," notifying applicants, *inter alia*, that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be accorded the requested filing date on the grounds that drawings are not necessary for an understanding of the subject matter sought to be patented.

Petitioner's arguments and evidence have been considered and found persuasive. A review of the application reveals that, as filed, the application contained at least one method claim. 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).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Provisional Application.

To the extent the instant petition requests a filing date of January 11, 2011 with no drawings present in the application, the petition is **GRANTED**.

---

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Given the basis for granting this petition, petitioners are entitled to a refund of the previously submitted petition fee of $400.00. A refund will issue in due course.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to January 11, 2011**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

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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OFFICE OF PETITIONS

APPLE INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUITE 300
SUNNYVALE, CA 94085-4040

In re Application of Harper et al. :
Application No. 61/431,776 : Decision on Petition
Filing Date: January 11, 2011 :
Attorney Docket No. 4860P10491Z :

This is a decision in response to the petition filed March 28, 2011, which requests, in effect, that Figure 10 of the drawings filed March 28, 2011, be entered as part of the original disclosure.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)."

Facts

The application was filed January 11, 2011.

An Electronic Acknowledge Receipt ("Electronic Receipt") corresponding to the papers filed January 11, 2011, indicates the application papers included a file named P10491Z_Drawings.pdf ("Drawing File"). The Electronic Receipt indicates the size of the Drawing File was 58,111 bytes and that the file included 10 pages.

The specification includes a reference to several drawing figures including Figure 10.

The electronic file wrapper for the application includes ten sheets of drawings containing Figures 1-9. In other words, the file wrapper does not include a Figure 10.

The Office of Patent Application Processing mailed a Notice of Omitted Item(s) in a Provisional Application on January 27, 2011. The notice stated Figure 10 did not appear to be part of the application as filed.

The petition alleges Figure 10 was filed January 11, 2011. The petition states only one file on the law firm's system is named P10491Z_Drawings.pdf, and states the file includes eleven sheets of drawings consisting of Figures 1-10.

The petition includes a copy of the eleven sheets of drawings allegedly filed on January 11, 2011. Unfortunately, the drawings were electronically filed with the petition as part of a larger 17-page file.

Discussion

The Electronic Receipt indicates ten pages of drawings were filed January 11, 2011, and the image file wrapper includes ten sheets of drawings filed with the application.

The petition is not accompanied by an exact electronic copy of the P10491Z_Drawings.pdf file the petition alleges was filed January 11, 2011. As a result, the Office is unable to compare the size of the Drawing File received on January 11, 2011, with the size of the file the petition alleges was filed January 11, 2011.

The Office has considered the evidence of record and determined the current evidence of record fails to demonstrate the Drawing File included Figure 10. In other words, the evidence fails to establish the Office "lost" one sheet of drawings.

Any request for reconsideration of this decision based on an assertion the drawings included Figure 10 should be filed electronically and should include the submission of a copy of P10491Z_Drawing.pdf as a separate file. In other words, the drawing file should not be combined with a different file.

The Office notes the petition alleges Figure 10 does not contain new matter. However, an assertion Figure 10 does not contain new matter does not prove the drawing figures filed January 11, 2011, included Figure 10.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[1] Document Code "PET.OP" should be used if the request is filed electronically.

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

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

[1] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

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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DEC 07 2011

OFFICE OF PETITIONS

KAMESH KOMPELLA
1171 COMPASS LANE 204
FOSTER CITY CA 94404

In re Application of :
Kamesh Kompella :
Application Number: 61/432,019 : ON PETITION
Filed: 01/12/2011 :
For: INVENTIONS TO FACILITATE :
COMMERCE THAT IS DRIVEN THROUGH :
IMPLICIT AND EXPLICIT USER AND :
SELLER INTENTS, USER DRIVEN :
SINGLE OR MULTI VENDOR :
COMPETITIVE HAGGLES, AND BUYER- :
SELLER INTERACTIONS THROUGH :
VIRTUAL GROUPS THAT ALLOW USERS :
TO BUY ALONE (WITHOUT FORMING :
EXPLICIT GROUPS) OR IN GROUPS :
(THAT THEY EXPLICITLY FORM) :

This is a decision in response to the letter filed on November 7, 2011, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **DISMISSED**.

On January 12, 2011, the application was filed. On January 27, 2011, a Notice to File Missing Parts of Provisional Application (Notice) was mailed, setting a two (2) month period for reply. Notice of Abandonment was mailed on October 13, 2011.

Petitioner states, in pertinent part:

> At about the time I received your letter, we were expecting a child and in the melee, I ended up overlooking the notice where by you asked me to pay $25 in the next 2 months. Since I had paid $110 by credit card, I assumed at that time that all the required fees would have been charged at the time of the submission of the PPA and that the $110 included it. t about the time I received your letter, we were expecting a child and in the melee, I ended up overlooking the notice where by you asked me to pay $25 in the next 2 months. Since I had paid $110 by credit card, I assumed at that

> time that all the required fees would have been charged at the time of the submission of the PPA and that the $110 included it.
>
> ...
>
> When I called up your office recently, I learnt that I need to pay $900 to revive the application. I am a one person start up at this stage and this patent is very much a protection for me from the big guns who will wipe me out of the field without it. I believe the patent is a non-obvious innovation in a very crowded field. Since I am still starting out, I am without a steady source of income and $900 would prove to be an important and size-able portion of my budget. I request your consideration that I be allowed to pay the $25 as originally required.

37 CFR 1.135 states, in pertinent part:

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

Petitioner's argument has been considered, but is not persuasive. On January 27, 2011, the Notice was mailed, stating that a provisional application cover sheet under 37 CFR 1.51(c)(1) was required, identifying the city and state or city and foreign country of the residence of the inventor, as well as a $25.00 surcharge for its late filing. The Notice stated that:

> Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

It is undisputed that a reply was not timely filed. As such, the application became abandoned as a matter of law pursuant to 37 CFR 1.135 for failure to timely reply to the Notice.

While the Office is mindful of petitioner's predicament, in the absence of a timely and proper reply, the Office is without authority to withdraw the holding of abandonment. Therefore, the petition is **DISMISSED**.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

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

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

The small entity fee is currently $930.00 for a petition under 37 CFR 1.137(b).

A reply should be submitted within two (2) months of the mailing date of this decision. **This time period is not extendable.** See 37 CFR 1.181(f).

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

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

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

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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JUN 17 2011

OFFICE OF PETITIONS

Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park KS 66210

In re Application of :
Chen, et al. :
Application No. 61/432,038 : NOTICE
Filed: January 12, 2011 :
Attorney Docket No. 42337-PRO :

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

Preexam Application.lnk Office of Petitions

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NEW YORK NY 10036-8403

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OCT 17 2011

OFFICE OF PETITIONS

In re Application of
Smith et al.
Application No. 61/432,802
Filed: January 14, 2011
Attorney Docket No. PP/4631-96 (V18094)

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, October 4, 2011, to change the name of inventor "Robert M. Druitt" to -- Rodney M. Druitt --.

The petition is **DISMISSED**.

The petition under 37 CFR 1.182 to change an inventor's name must include (1) an appropriate petition fee, (2) a statement signed by the inventor setting forth both names and (3) the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner has failed to comply with items (2) and/or (3) above, which requires the inventor to submit a statement or a copy of the court order as set forth under MPEP section 605.04(c).

In view of the above, the petition to change the inventor's name under 37 CFR 1.182 cannot be granted at this time.

Additionally, petitioner's deposit account has been charged the $400.00 required petition fee as authorized on October 4, 2011.

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 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.**

Any questions concerning this matter may be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GERALD E. LINDEN
C/O STAUFFER
1006 MONTFORD RD.
CLEVELAND HEIGHTS OH 44121

MAILED

MAY 05 2011

OFFICE OF PETITIONS

In re Application of :
David Finn :
Application Number: 61/433,353 : ON PETITION
Filed: 01/17/2011 :
Attorney Docket Number: Finn-s39ppa :

This is a decision on the PETITION IN RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION, filed on March 17, 2011, which is treated as a petition under 37 CFR 1.53(e) requesting that the above-identified provisional application be accorded a filing date of January 17, 2011.

The petition is **GRANTED**.

The application was filed on January 17, 2011, without drawings. Accordingly, on January 31, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application stating that the application has not been accorded a filing date because the application had been deposited without drawings.

On March 17, 2011, the present petition was filed. Petitioner argues that drawings are not necessary for an understanding of the subject matter sought to be patented, and so requests that the application be accorded a filing date of January 17, 2011, without drawings.

As stated in MPEP 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

As a review of the official file reveals that the application as filed includes 11 method claims. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed January 31, 2011, was mailed in error and is hereby withdrawn.

The application will be processed using the application papers present on filing on January 17, 2011.

The application is accorded a filing date of January 17, 2011, without drawings as a part of the original disclosure. The petition fee paid of $400.00 will be credited to counsel's credit card.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of January 17, 2011, using only the application papers filed on that date.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 07 2011
OFFICE OF PETITIONS

ECOMOTORS INTERNATIONAL
17000 FEDERAL DR SUITE 200
ALLEN PARK MI 48101

In re
Tyler R. Garrard
Application No. 61/434,456
Filed: January 20, 2011

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed March 7, 2011.

The fee deficiency submission under 37 CFR 1.28 of $110 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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Abraham Roth
14 Nahal Kdumim St.
Kfar Hassidim 20400
Israel

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of :
Abraham Roth :
Application No. 61/434512 :
Filing or 371(c) Date: 01/20/2011 :
Title of Invention: :
LINEARLY CHANGING MAGNETIC :
FIELD GENERATING METHOD : ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment," filed January 12, 2012. The petition is properly treated under 37 CFR 1.181(a),

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 January 31, 2011. The Notice set a two (2) month period for reply. No response having been received, the application became abandoned on April 1, 2011. A Notice of Abandonment was mailed October 19, 2011.

With the instant petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to the Office of Patent Application Processing for re-mailing of the Notice, and re-setting the period for reply. A copy of the Notice is also enclosed.

It is noted that applicant requests this Office e-mail any correspondence. Applicant is advised that the MPEP 502.03 provides:

II. COMMUNICATIONS VIA THE INTERNET AND AUTHORIZATION (ARTICLE 5)
Communications via Internet e-mail are at the discretion of the applicant. Without a written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the

confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the appropriate patent application. The following is a sample authorization form which may be used by applicant:

"Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Applicant is also reminded of 37 CFR 1.4's requirement that separate matters should be filed on separate papers as follows:

> (c) 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.

Finally, Applicant is advised that the Inventor's Assistance Center is available, at 1-800-786-9199, for assistance in prosecuting the patent application. Applicant is further advised that a list of registered practitioners is available at www.uspto.gov/main/patents.

Telephone inquiries concerning *this matter* should be directed to attorney Derek Woods at (571) 272-3232. All other inquiries concerning examination procedures or status of the application should be directed to the appropriate Office[1].

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of Notice to File Missing parts of Nonprovisional Application ("Notice"), mailed January 31, 2011

[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 CFR 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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
61/434,512	01/20/2011	Abraham Roth	

CONFIRMATION NO. 1899

Abraham Roth
14 Nahal Kdumim St.
Kfar Hassidim, 20400
ISRAEL

FORMALITIES LETTER

OC000000045736700

Date Mailed: 01/31/2011

NOTICE TO FILE MISSING PARTS OF PROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(c)

Filing Date Granted

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

- The provisional application cover sheet under 37 CFR 1.51(c)(1), which may be an application data sheet (37 CFR 1.76), is required identifying:
  - either city and state, or city and foreign country, of the residence of each inventor.

The applicant needs to satisfy supplemental fees problems indicated below.

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

- A surcharge (for late submission of filing fee or cover sheet) as set forth in 37 CFR 1.16(g) of **$25** for a small entity in compliance with 37 CFR 1.27, must be submitted.

SUMMARY OF FEES DUE:

Total fee(s) required within **TWO MONTHS** from the date of this Notice is **$25** for a small entity
- **$25** Surcharge.

Replies should be mailed to:

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

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

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

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

/mkoroma/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of :
Tour, et al. :
Application No. 61/434,713 : NOTICE
Filed: January 20, 2 011 :
Attorney Docket No. **11321-P214V1** :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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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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DR. RON LAUENER
BC CANCER AGENCY
675 WEST 10TH AVE
VANCOUVER BC V5Z 1L3 CA

MAILED
DEC 23 2011
OFFICE OF PETITIONS

In re Application of :
Robert C. Brunham et al. :
Application No. 61/434,757 : ON PETITION
Filed: January 20, 2011 :
Title of Invention: **CHLAMYDIA ANTIGEN COMPOSITIONS AND USES THEREIN** :

This is a decision on the petition filed December 8, 2011, to revive the above identified application under 37 CFR 1.137(b).[1]

The petition is **GRANTED**.

This application became abandoned on April 19, 2011, for failure to file a timely response to the Notice to File Missing Parts "Notice" mailed February 18, 2011, which set a two (2) month shortened statutory period for reply. Accordingly, a Notice of Abandonment was mailed October 31, 2011.

The Provisional Application Cover Sheet has been provided and since all other requirements under 37 CFR 1.137(b) have been met, this matter is being forwarded to the Office of Patent Application Processing for further pre-examination processing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

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

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of :
Abadir et al. :
Application Number: 61/435,470 : ON PETITION
Filing Date: 01/24/2011 :
Attorney Docket Number: :
16559.0004USP2 :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on November 22, 2011, to revive the above-identified application. This is also a decision on the petition filed on November 22, 2011 under 37 CFR 1.182 to expedite consideration of the petition under 37 CFR 1.137(b).

The petitions are **GRANTED**.

The application became abandoned on April 3, 2011 for failure to timely submit a reply to the Notice to File Missing Parts of Provisional Application mailed on Corrected Application Papers mailed on February 2, 2011, which set a two (2) month shortened period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on October 17, 2011.

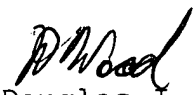
Receipt of the application data sheet (ADS) is acknowledged.

The surcharge required under § 1.16(g) of $25.00 (small entity) will be charged to counsel's deposit account as authorized in the petition under 37 CFR 1.182.

Receipt of the revocation and new power of attorney with change of correspondence address is acknowledged. All correspondence will be mailed to the new address of record.

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

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Notice Regarding Change of Power of Attorney
Notice of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/435,470	01/24/2011	Essam Ernest Abadir	

CONFIRMATION NO. 6253

99033
Matthew Drake
855 Falsom Street # 909
San Francisco, CA 94107

POWER OF ATTORNEY NOTICE

OC000000051335089

Date Mailed: 12/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/22/2011.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/diwood/

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 DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/435,470	01/24/2011	Essam Ernest Abadir	

CONFIRMATION NO. 6253

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

POA ACCEPTANCE LETTER

OC000000051335142

Date Mailed: 12/06/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/22/2011.

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.

/diwood/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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DEC 12 2011
OFFICE OF PETITIONS

Sarjoun Skaff
Bossa Nova Robotics
Suite 301
311 S. Craig St
Pittsburgh PA 15213

In re Application of :
Skaff :
Application No. 61/435,794 : ON PETITION
Filed: January 25, 2011 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed November 23, 2011, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed February 22, 2011, which set a shortened two (2) month period for reply. No response was received within the allowable period and the application became abandoned on April 23, 2011. A Notice of Abandonment was mailed November 7, 2011.

The response, i.e., provisional coversheet and surcharge, to the Notice to File Missing Parts of Provisional Application filed November 23, 2011, is noted and made of record.

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.

The request for the extension of time within the fifth month filed November 23, 2011, is noted but cannot be granted as the request was made outside the maximum statutory period for reply to the non-final Office action. The amount of $1,345.00 will be refunded, in due course.

It is further noted that petitioner paid $50.00 for the surcharge required for the late filing of the provisional coversheet. The surcharge is $25.00, however. The amount of $25.00 will also be refunded in due course

The application is being directed to the Office of Patent Application Processing for further review.

Questions 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:
Keith P. Taboada
Patterson & Sheridan, LLP
595 Shrewsbury Avenue
Suite 100
Shrewsbury, NJ 07702

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DEC 12 2011
OFFICE OF PETITIONS

Sarjoun Skaff
Bossa Nova Robotics
Suite 301
311 S. Craig St
Pittsburgh PA 15213

In re Application of :
Sarjoun :
Application No. 61/436,222 : ON PETITION
Filed: January 26, 2011 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed November 23, 2011, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed February 28, 2011, which set a shortened two (2) month period for reply. No response was received within the allowable period and the application became abandoned on April 29, 2011. A Notice of Abandonment was mailed November 7, 2011.

The response, i.e., provisional coversheet and surcharge, to the Notice to File Missing Parts of Provisional Application filed November 23, 2011, is noted and made of record.

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.

The request for the extension of time within the fifth month filed November 23, 2011, is noted but cannot be granted as the request was made outside the maximum statutory period for reply to the non-final Office action. The amount of $1,345.00 will be refunded, in due course.

It is further noted that petitioner paid $50.00 for the surcharge required for the late filing of the provisional coversheet. The surcharge is $25.00, however. The amount of $25.00 will also be refunded. In due course.

The application is being directed to the Office of Patent Application Processing for further review.

Questions 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:
Keith P. Taboada
Patterson & Sheridan, LLP
595 Shrewsbury Avenue
Suite 100
Shrewsbury, NJ 07702

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www.uspto.gov

Paper No.

Bishop & Diehl, Ltd.
1750 East Golf Road
Suite 390
Schaumburg IL 60173

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OFFICE OF PETITIONS

In re Application of :
Gaur et al. : DECISION ON PETITION
Application No. 61/436,443 :
Filed: January 26, 2011 :
Title: MONITOR DEVICE AND :
SYSTEM :
Atty Docket No. 001077 P0002 :

This is in response to the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed November 11, 2011.

The petition is **GRANTED**.

The above-identified provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application mailed February 3, 2011. The Notice set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply received and no extension of time obtained, the application became abandoned effective April 4, 2011. A courtesy Notice of Abandonment was mailed on October 18, 2011.

In response, applicants filed the instant petition, requesting revival based on unintentional delay. The petition included the required reply in the form of a "substitute provisional application cover sheet" and the late surcharge; the required statement of unintentional delay; and the petition fee for revival pursuant to 37 CFR 1.137(b).

This petition is granted to revive this provisional application for the 12-month period following the filing of the provisional

application. This provisional application is not considered pending after 12 months from its filing date.

The application is being returned to the Office of Patent Application Processing for processing of the response to the Notice to File Missing Parts, the provisional cover sheet (and late surcharge), filed November 11, 2011.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ECOMOTORS INTERNATIONAL
17000 FEDERAL DR,
SUITE 200
ALLEN PARK, MI 48101

MAILED

MAY 05 2011

OFFICE OF PETITIONS

In re Application of :
Adrian Tusinean :
Application No. 61/436,877 : NOTICE
Filed: January 27, 2011 :
Attorney Docket No. EM 5.008 :

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

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APR 28 2011
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In re Application of :
Watt :
Application No. 61/437,341 : ON PETITION
Deposited: January 28, 2011 :
Attorney Docket No. 050229-0596 :
For: FLUORINATED STILBENE ANALOGS AND METHODS OF TREATING CANCER

This is a decision on the correspondence entitled, "RESPONSE TO NOTICE OF INCOMPLETE APPLICATION," filed April 11, 2011, requesting the Office accord a filing date of January 28, 2011 to the above-identified application. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was deposited on January 28, 2011. However, on March 15, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawing(s). It is noted that the specification filed on January 28, 2011 refers to drawing figures.

Petitioners request that the application be accorded a January 28, 2011 filing date because drawings are not required for the understanding of the invention.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) 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.)

MPEP 601.01(f) also states that:

> ... [A] provisional application having at least some disclosure ...for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification, and filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification

as discussed in MPEP 601.01(g), so long as the application contains something that can be construed as a written description.

This provisional application contains at least one method claim and a detailed written description. Therefore, the application should have been accorded a filing date without drawings.

In view of the above, the "Notice" mailed March 15, 2011 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of January 28, 2011 without drawing figures. The petition is **granted**.

Pursuant to petitioners' authorization, the $400.00 petition fee will be refunded to petitioners' deposit account.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of **January 28, 2011** and the mailing of a filing receipt reflecting the January 28, 2011 filing date.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TIMOTHY J. BABCOCK
AKROS PHARMA INC.
302 CARNEGIE CENTER, SUITE 300
PRINCETON, NJ 08540

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Koji Ando et al :
Application No. 61/438,303 : NOTICE
Filed: February 1, 2011 :
Attorney Docket No. JF-1023US-P1

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

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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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APR 08 2011

OFFICE OF PETITIONS

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

In re Application of :
Carroll, et al. :
Application No. 61/440,117 : DECISION GRANTING PETITION
Filed: February 7, 2011 :
Attorney Docket No. EL0979USPRV

This is a decision on the petition filed March 22, 2011, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of February 7, 2011.

The petition is **GRANTED**.

The application was deposited on February 22, 2011. However, on March 8, 2011, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application", stating that the application had not been accorded a filing date because the application was deposited without drawings.

As stated in MPEP § 601.01(f), it is the practice of the PTO 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).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

The instant provisional application contains disclosure for which a drawing is usually not considered essential for a filing date. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

In view of the above, the "Notice of Incomplete Provisional Application" mailed March 8, 2011, was mailed in error and is hereby **withdrawn**.

The Office should have instead mailed a Notice of Omitted Items in a Provisional Application.

As the instant petition was due to USPTO error, the $400 petition is being refunded to petitioner.

The application is being forwarded to the Office of Patent Application Processing for further processing as a provisional application with a filing date of February 7, 2011, for indication that "0" sheets of drawings were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

JAN 24 2012

OFFICE OF PETITIONS

In re Application of	:
Horito et al.	:
Application No. 61/440,412	: DECISION ON REQUEST
Filed: February 8, 2011	: UNDER 37 CFR 5.25
Attorney Docket No. RAM-5541-17	:

Title: FOLDABLE COOKING DEVICE

This is a decision on the petition pursuant to 37 C.F.R. § 5.25, filed August 19, 2011, seeking a retroactive license for foreign filing under 35 U.S.C. § 184.

The petition is **DISMISSED.**

37 CFR § 5.25 requires the following:

(a)

1. A listing of each foreign country in which the unlicensed patent application material was filed.
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
   i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order.
   ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
   iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(g).

(b) The explanation in paragraph (a) of this section must include a showing of facts rather than a mere allegation of action through error and without deceptive intent. The showing of facts as to the nature of the error should include statements by those persons having

personal knowledge of the acts regarding filing in a foreign country and should be accompanied by copies of any necessary supporting documents such as letters of transmittal or instructions for filing. The acts which are alleged to constitute error without deceptive intent should cover the period leading up to and including each of the proscribed foreign filings.

The petition is dismissed at this time since the requirements of 37 CFR 5.25(a)(3)(iii) and 37 CFR 5.25(b) have not been fully met.

As to 37 CFR 5.25(a)(3)(iii), it is noted that the verified statement should be by the person or persons who had direct knowledge and made the decision to the file in a foreign country before securing a foreign filing license. Further, the statement should reference the proscribed filing and the actual circumstances of its filing. The "Declaration Pursuant to 37 CFR 5.25" of Wolfgang Grosse states that Mr. Grosse "...arranged for the preparation of a patent application for the above-identified invention" which was then filed in the United States and in Germany. The verified statement does not specifically state who made the decision to file in the foreign country before securing the foreign filing license and does not provide a statement from said person or persons with direct knowledge of the circumstances surrounding the decision to file in a foreign country before securing a foreign filing license.

As to 37 CFR 5.25(b), the petition lacks a showing that the proscribed filing was made through error and without deceptive intent. The petition was not accompanied by copies of supporting documents, such as letter of transmittal or instructions for filing relative to the proscribed filing. With due consideration of requirements of 37 CFR 5.25(b) as cited above, the renewed petition must be accompanied by a showing of facts as to the nature of the error and should include statements by those persons having personal knowledge of the acts regarding filing in a foreign country. Further, the renewed petition should be accompanied by copies of any necessary supporting documents such as letters of transmittal or instructions for filing.

Accordingly, the provisions of 37 CFR § 5.25 have not been fully met. The petition is dismissed. In the absence of response within 60 days of the mailing date of this decision, such dismissal will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be obtained under 37 CFR 1.136(a).

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

In re Application No. 61/440,412

Telephone inquiries should be directed to, Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED

MAR 13 2012

OFFICE OF PETITIONS

In re Application of
Leo Pedlow et al.
Application No. 61/442,157
Filed: February 11, 2011
Attorney Docket Number: **113748-6065PV**

ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed February 10, 2012, correct the spelling of the inventor's name.

The petition is **GRANTED**.

Petitioner has requested that the inventor listed on the application as Lee Pedlow be correctly listed as LEO PEDLOW. A declaration by the inventor explains how the error occurred and that it was without deceptive intent.

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

Inventor 1) Leo Pedlow

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

Petitioner is advised however that the fee for a petition under 37 CFR 1.182 is set at $400, not $50 as indicated in the petition and thus deposit account no. 50-2075 has been charged in the amount of $400, as authorized in the petition.

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

Telephone inquiries concerning this matter should be directed to the undesigned 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
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/442,157	02/11/2011		220	113748-6065PV		

CONFIRMATION NO. 4298

CORRECTED FILING RECEIPT

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

OC00000053073428

Date Mailed: 03/12/2012

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)

Leo Pedlow, Ramona, CA;
Ling Jun Wong, Escondido, CA;
True Xiong, San Diego, CA;

Power of Attorney:
Samuel Lee--42791

If Required, Foreign Filing License Granted: 02/22/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/442,157**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

VISUAL BIVL INTERFACE FOR DEVICES WITHOUT A VISUAL USER INTERFACE

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED

MAR 13 2012

OFFICE OF PETITIONS

In re Application of
Leo Pedlow et al.
Application No. 61/442,161
Filed: February 11, 2011
Attorney Docket Number: **113748-6064PV**

ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed February 10, 2012, correct the spelling of the inventor's name.

The petition is **GRANTED**.

Petitioner has requested that the inventor listed on the application as Lee Pedlow be correctly listed as LEO PEDLOW. A declaration by the inventor explains how the error occurred and that it was without deceptive intent.

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

Inventor 1) Leo Pedlow

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

Petitioner is advised however that the fee for a petition under 37 CFR 1.182 is set at $400, not $50 as indicated in the petition and thus deposit account no. 50-2075 has been charged in the amount of $400, as authorized in the petition.

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

Telephone inquiries concerning this matter should be directed to the undesigned 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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/442,161	02/11/2011		220	113748-6064PV		

CONFIRMATION NO. 4308

CORRECTED FILING RECEIPT

27189
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

OC000000053073429

Date Mailed: 03/12/2012

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)

Leo Pedlow, Ramona, CA;
Ling Jun Wong, Escondido, CA;
True Xiong, San Diego, CA;

Power of Attorney:
Samuel Lee--42791

If Required, Foreign Filing License Granted: 02/22/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/442,161**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

SESSION SYNCHRONIZATION OF INACTIVE IPTV DEVICE WITH SECOND DISPLAY DEVICE

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

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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EDELSON IP LAW GROUP, LTD.
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DEERFIELD IL 60015

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of

Ballantine, et al.

Application No. 61/442,296

Filed: February 14, 2011

Attorney Docket No. **Ballantine**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2012, to revive the above-identified application.

The petition is **GRANTED**.

A "Notice to File Missing Parts of Provisional Application" (the "Notice") was mailed by the Office on March 16, 2011, 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 May 17, 2011. A Notice of Abandonment was mailed on November 25, 2011.

The surcharge of $25.00 and supplemental Application Data sheet were received on January 13, 2012.

It is noted that the provisional application will expire at midnight on February 14, 2012, by operation of law.

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

FROST BROWN TODD LLC
3300 GREAT AMERICAN TOWER
301 EAST FOURTH STREET
CINCINNATI, OH 45202

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The Sigma Law Group LLC
50 Christy Drive
Warren NJ 07059

MAILED

DEC 29 2011

OFFICE OF PETITIONS

In re Application of
Farhad Popal
Application No. 61/442,341
Filed: February 14, 2011
Attorney Docket No. 12919-8

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 December 8, 2011.

The request is **not approved.**

The Office will no longer 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.

A review of the file record indicates that Edward J. Quinones, and attorneys/agents associated with customer number 86000 do not have power of attorney, but has acted in a representative capacity in this patent application. See 37 C.F.R. § 10.40.

Accordingly, the request to withdraw from record cannot be approved because the forwarding correspondence address is not proper. The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

The filing of a renewed request of withdrawal of attorney is not required. However, if a change of correspondence address is desired, then a change of correspondence address form and/or a Statement under 37 CFR 3.73(b) a copy of the actual assignment should be filed.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re
Shanahan, et al.
Application No. 61/442,754
Filed: February 14, 2011
Attorney Docket No. TRCO136250

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed January 30, 2012.

The fee deficiency submission under 37 CFR 1.28 of $145 for the provisional application filing fee 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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P.O. Box 1450
Alexandria, VA 22313-1450
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HAMILTON, BROOK, SMITH &
REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of :
Crain et al. :
Application No. 61/442976 :
Filing or 371(c) Date: 02/15/2011 : ON PETITION
Attorney Docket Number: :
3795.1053-000 :

This decision is in response to the "Petition Under 37 C.F.R. § 1.182," filed December 13, 2011, requesting correction of the name of an inventor.

MPEP 201.03, Correction of Inventorship in an Application, provides

(B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.[1]"

MPEP 605.04(b)

Applicant is further advised that

> Although 37 CFR 1.76 does not change the practice in MPEP § 201.03 and § 605.04(b) regarding correction of a typographical or transliteration error in the spelling of an inventor's name whereby all that is required is notification of the

[1] The fee for a petition under 37 CFR 1.182 is $400.00, effective December 8, 2004. The balance of the petition fee has been charged to Petitioner's deposit account as authorized in the fee transmittal filed with the application papers on November 17, 2007.

> error to the Office, the Office strongly encourages the filing of an application data sheet or a supplemental application data sheet to correct a typographical or transliteration error in the spelling of an inventor's name. A supplemental oath or declaration is not required. If applicant merely files a statement notifying the Office of the typographical or transliteration error in the spelling of an inventor's name without submitting an application data sheet or a supplemental application data sheet, 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 601.05

The petition is hereby **granted**.

The name of inventor Tom F. Hummel has been changed to Thomas F. Hummel, and the name Thomas F. Hummel has been entered and made of record in the above-identified application.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosures: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/442,976	02/15/2011		220	3795.1053-000		

CONFIRMATION NO. 7314

CORRECTED FILING RECEIPT

21005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Date Mailed: 01/27/2012

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)

Ethan Crain, Marlborough, MA;
Thomas F. Hummel, Marlborough, MA;
Thucydides Xanthopoulos, Marlborough, MA;
Scott Meninger, Lancaster, MA;

Power of Attorney:
Benjamin Sparrow--62259

If Required, Foreign Filing License Granted: 03/11/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/442,976**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

Synchronized Clock Phase Interpolator

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing

of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of

State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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Smith & Hopen, P.A.
Attn: General Patent Matters
180 Pine Avenue North
Oldsmar FL 34677

MAILED
DEC 13 2011
OFFICE OF PETITIONS

In re Application of :
Stroot :
Application No. 61/443,089 : ON PETITION
Filed: February 15, 2011 :
Attorney Docket No. **1372.850.PR** :

This is a decision on the petition under 37 CFR 1.137(b), filed November 23, 2011, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Provisional Application mailed March 15, 2011, which set a shortened two (2) month period for reply. No response was received within the allowable period and the application became abandoned on May 16, 2011. A Notice of Abandonment was mailed November 23, 2011.

The response, i.e., filing fee and surcharge, to the Notice to File Missing Parts of Provisional Application filed March 15, 2011, is noted and made of record.

The application is being directed to the Office of Patent Application Processing for further review.

Questions regarding this decision may 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

Jeffrey H. Brower
9617 Wendell Rd.
Dallas TX 75243

MAILED

JAN 11 2012

OFFICE OF PETITIONS

In re Application of :
Not provided :
Application No. 61/443394 :
Filing or 371(c) Date: 02/16/2011 :
Title of Invention: :
PCB EMBEDDED HEAT DISSIPATION :
METHOD : ON PETITION

This is a decision on the corresponsende filed December 8, 2011, in response to a Notice of Abandonment. The correspondence is properly treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181(a).

This Petition is hereby **dismissed**.

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

Background

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 March 14, 2011. The Notice required the basic filing fee and a late filing fee surcharge, and set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned May 15, 2011. A Notice of Abandonment was mailed November 28, 2011.

The present petition

Petitioner files the instant petition and asserts that the application as filed included a filing fee of $110.00. In support of this assertion, Petitioner attaches a copy of a facsimile putatively transmitted to this Office on February 16, 2011.

Analysis

Initially it is noted that the application as-filed on February 16, 2011, failed to include a Provisional Application Cover Sheet, or otherwise identify the inventors of the application.

The petition is signed by Mai Vu, however, there is no indication that Mai Vu is authorized to act in this application. 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 application does not identify the inventor(s), and Mai Vu has not identified herself as the sole inventor of the application, or that petitioner herein (Mai Vu) was ever given a power of attorney to act on behalf of any and all inventors, or that she is an assignee of the entire interest in the application and has complied with the provisions of 37 CFR 3.73(b), the petition is considered unacceptable.

Before the merits of the petition may be considered, a Provisional Application Coversheet is required identifying the inventor(s), and a properly signed petition, are required.

Finally, petitioner is advised that proper evidence of payment of the filing fee would include a copy of a credit card statement showing that this Office received the filing fee ($110.00) on February 16, 2011.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO,

petitioners/applicants should consider redacting[1] such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: PTO/SB/16 Provisional Application for Patent Cover Sheet

[1] Petitioner may simply mark out (redact) any personal information using a dark marker and copy the document and file the copy of the redacted document with this Office.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re
Shanahan, et al.
Application No. 61/444,081
Filed: February 17, 2011
Attorney Docket No. TRCO136237

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed January 30, 2012.

The fee deficiency submission under 37 CFR 1.28 of $145 for the provisional application filing fee hereby accepted.

The change of status to large entity has been entered.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW May-11

MAILED

MAY 23 2011

OFFICE OF PETITIONS

ALLERGAN, INC.
2525 DUPONT DRIVE, T2-7H
IRVINE CA 92612-1599

In re Application of :
Donello et al. :
Application No. 61/444,602 : ON PETITION
Filed: February 18, 2011 :
Atty Docket No. 18891PROV(BMS) :

This is a decision on the "PETITION FOR REVIEW OF FILING DATE PURSUANT TO 37 CFR § 1.741," filed on May 3, 2011, which is treated as a petition under 37 CFR 1.182 requesting that the above-identified provisional application, without drawings, be accorded a filing date of February 18, 2011.

The petition is **GRANTED**.

The application was filed on February 18, 2011, without drawings. Accordingly, on March 3, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings. The Notice allowed a period for reply of two-months from its mailing date.

On May 3, 2011, the present petition was filed. Petitioners concede that the application was filed without drawings, but argue that the drawings are not necessary to understand the invention claimed and that the subject matter of the application would have been understood to a person having ordinary skill in the art even without those drawings.

MPEP § 601.01(f) states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but

> filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

The arguments in the petition will be construed to mean that petitioner's counsel is asserting that drawings are not necessary for a filing date in this application. Drawings will not be further considered as a part of this case.

In view of the above, the "Notice" mailed March 3, 2011, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of February 18, 2011, without drawings as a part of the original disclosure.

No petition fee is due. The petition fee of $400.00 will be refunded to deposit account 01-0885, in due course.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to February 18, 2011.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3222.

Kenya McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DIW May-11

ANN-MARIE KOSS
510 WEST 52 ST. APT. 21C
NEW YORK NY 10019

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of :
Marcin Kaszynski et al. :
Application No. 61/444,721 : ON PETITION
Deposited: February 19, 2011 :
Attorney Docket No. SJ-001P :

This is a decision on the petition filed on March 8, 2011, which is treated as a petition requesting that the above-identified provisional application, without drawings, be accorded a filing date of February 19, 2011.

The petition is **GRANTED**.

The application was deposited on February 19, 2011, without drawings. Accordingly, on March 4, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings.

In response, on March 8, 2011, the subject petition was filed. Petitioners assert that that the application, as filed, is entitled to a filing date because drawings are not necessary for an understanding of the subject matter sought to be patented.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a

> drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

A review of the record reveals that the application papers deposited on February 19, 2011, contain at least one method claim. Accordingly, the application is treated as a provisional application containing at least some disclosure of a method.

Drawings will not be further considered as a part of this case.

In view of the above, the Notice of Incomplete Provisional Application mailed on March 4, 2011, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of February 19, 2011, without drawings as a part of the original disclosure. The petition fee of $400.00 is being credited to petitioner's credit card account, as it is the method in which the fee was paid on March 8, 2011.

The seven (7) sheets of drawings filed on March 8, 2011, will not be considered part of the original disclosure, but will be retained in the application file.

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of February 19, 2011.

Telephone inquiries specific to this matter should be directed to Karen Creasy at 571 272-3208.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DOBRUSIN & THENNISCH PC
29 W LAWRENCE ST
SUITE 210
PONTIAC MI 48342

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
Mizrahi et al. :
Application No. 61/444,942 : NOTICE
Filed: February 21, 2011 :
Attorney Docket No. 1431-010P1 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed April 11, 2011.

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

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

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

This application is being forwarded to the Office of Patent Application Processing for processing in the normal course of business.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Intellectual Property Dept.
Dewitt Ross & Stevens SC
2 East Mifflin Street
Suite 600
Madison WI 53703-2865

MAILED
APR 12 2011
OFFICE OF PETITIONS

In re Application of :
Fischer et al. :
Application No. 61/445,647 : NOTICE
Filed: February 23, 2011 :
Attorney Docket No. 11501.023 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed March 1, 2011.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Paper No.

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OFFICE OF PETITIONS

OFFICE OF TECHNOLOGY COMMERCIALIZATION
UNIVERSITY OF MARYLAND
0133 COLE STUDENT ACTIVITIES BUILDING
COLLEGE PARK MD 20742-1001

In re Application of :
McCluskey et al. : DECISION ON PETITION
Application No. 61/445,696 :
Filed: February 23, 2011 :
Title: TRENCH-ASSISTED :
THERMOELECTRIC ISOTHERMALIZATION :
OF POWER SWITCHING CHIPS :
Atty Docket No. PS-2010-021 :

This is in response to the "PETITION UNDER 37 CFR 1.137(b),(g)" filed January 20, 2012.

The petition is **GRANTED**.

The above-identified provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application mailed March 23, 2011. The Notice set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply received and no extension of time obtained, the application became abandoned effective May 24, 2011. A courtesy Notice of Abandonment was mailed on November 30, 2011.

In response, applicants filed the instant petition, requesting revival based on unintentional delay. The petition included the required reply in the form of a provisional application cover sheet and the late surcharge; the required statement of unintentional delay; and the petition fee for revival pursuant to 37 CFR 1.137(b).

This petition is granted to revive this provisional application for the 12-month period following the filing of the provisional application. This provisional application is not considered pending after 12 months from its filing date.

The application is being returned to the Office of Patent Application Processing for processing of the response to the Notice to File Missing Parts, the provisional cover sheet (and late surcharge), filed with the petition on January 20, 2012.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

MAILED

JUN 30 2011

OFFICE OF PETITIONS

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

In re Application of :
Shi et al. :
Application No. 61/446,089 :
Filed: February 24, 2011 : DECISION
Attorney Docket Number: PP/4960-279: ON PETITION
(V 18515) :
Title: CROSS-LINKED :
POLYBENZIMIDAZOLE (PBI) MEMBRANES :
FOR PREVAPORATION DEHYDRATION OF :
ORGANICS :

This is a decision on the "PETITION IN RESPONSE TO THE NOTICE OF INCOMPLETE PROVISIONAL APPLICATION," filed May 12, 2011, requesting the above-identified application be accorded a filing date of February 24, 2011. The petition is being treated under 37 CFR § 1.53(e).

The application was deposited on February 24, 2011 without drawings. On March 24, 2011, the Office of Data Management sent a Notice of Incomplete Provisional Application (Notice), setting forth that the application appeared to have been deposited without drawings. The Notice indicated that a filing date had not been accorded, and that a filing date would be accorded upon the depositing of drawings.

In response, on May 12, 2011, Applicant filed the present petition. Applicant has not submitted the missing drawings, and has asserted that they are not required.

35 U.S.C. §113 sets forth that applicants "shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." Applicant has stated, over his registration number, that he has "determined that drawings are not necessary" and that [t]he Disclosure of the Provisional

Application is in Applicant's opinion sufficient in the Provisional Application without the Figures."[1]

Because of this affirmative representation, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as originally filed, is entitled to a filing date of February 24, 2011.

Accordingly, the petition is **GRANTED.**

The Notice, mailed on March 24, 2011, was sent in error, and is hereby **VACATED.**

However, the petition fee will not be refunded, as the Office of Data Management formality examiner properly mailed the notice. It is noted that pages two and three (section 2.3) of the specification describe Figures 1 - 16.

The Office of Patent Application Processing (OPAP) will be advised of this decision. Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to February 24, 2011**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing,** and;
- **for issuance of a filing receipt**.

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

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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1 Petition, page 1.

2 Applicant 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, Applicant is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Applicant.

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GEORGE R CORRIGAN
CORRIGAN LAW OFFICE
2168 COLLADAY POINT DRIVE
STOUGHTON WI 53589

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Application of
White, et al.
Application No. 61/446,269
Filed: February 24, 2011
Attorney Docket No. CMD 241P

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned May 9, 2011 for failure to timely submit a proper reply to the Notice of File Missing Parts of Provisional Application (Notice) mailed March 8, 2011. The Notice set a two month shortened statutory period of time for reply. This decision precedes Notice of Abandonment.

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

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

This application is being directed to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

APR 11 2012

OFFICE OF PETITIONS

In re Application of :
Pestano, et al. :
Application No. 61/446,300 : DECISION ON PETITION
Filed: 24 February, 2011 :
Attorney Docket No. 03047-23968us01 :

This is a decision on the petition filed on 8 February, 2012, and supplemented on 9 April, 2012, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

The petition under 37 C.F.R §1.182 is **GRANTED**.

The guidance in the Commentary set forth at MPEP§605.04(c) directs Petitioner to the proper procedure herein:

> **605.04(c)Inventor Changes Name [R-7]**
>
> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.
>
> Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.
>
> If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.
>
> If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red

ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of **>Patent Application Processing (OPAP)<for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form as to an inventor's names—the name having been typed in that form.

Petitioner has since indicated to the Office that the name of inventor/applicant must be corrected to **ALEXANDRA DEA NAGY** in order to overcome the previously erroneous form of the name of the inventor (Dea Nagy).

(Petitioner did not submit an updated application data sheet (ADS), the latter of which may not be required but always should be included.)

Petitioner submitted the petition (with fee) on 8 February, 2012, and provided the signed statement by the inventor, supplemented on 9 April, 2012.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 is **granted**.

The application is released to the Office of Patent Application Processing (OPAP) for processing as necessary to update Office records and mail a corrected/updated filing receipt.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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[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 Petitioners 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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JAN 03 2012
OFFICE OF PETITIONS

CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of :
Cantor :
Application No. 61/446,991 : ON PETITION
Filed: February 25, 2011 :
Attorney Docket No. **20388-023PV** :

This is a decision on the petition under 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 reply to the Notice to File Missing Parts of Provisional Application mailed March 31, 2011, which set a shortened two (2) month period for reply. No response was received within the allowable period and the application became abandoned on April 1, 2011. A Notice of Abandonment was mailed December 12, 2011.

The response to the Notice to File Missing Parts of Provisional Application filed December 14, 2011, is noted and made of record.

The "Power of Attorney to Prosecute Applications Before the USPTO", filed December 14, 2011, is noted, but cannot entered as it is executed by a representative of the assignee and a statement under 37 CFR 3.73(b) was not filed. Petitioner may resubmit the "Power of Attorney to Prosecute Applications Before the USPTO" along with a statement under 37 CFR 3.73(b) and the requested changes will be entered where the papers are received, not by the undersigned. Form PTO SB/96 is enclosed for petitioner's convenience.

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.

The application is being directed to the Office of Patent Application Processing for further review.

Questions 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:
Albert S. Penilla
710 Lakeway Drive Suite 200
Sunnyvale, CA 94085

Enclosure: FORM PTO/SB/96

UNITED STATES PATENT AND TRADEMARK OFFICE

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Furman Gregory Deptula
215 Main Street
Suite 101
Biddeford ME 04005

MAILED

MAR 23 2012

OFFICE OF PETITIONS

In re Application of :
Hoelz :
Application No.61/447,384 : ON PETITION
Filed: February 28, 2011 :
Attorney Dkt. MIHG-001PR :
For: METHOD FOR ENHANCING :
EFFICACY AND SELECTIVITY OF :
CANCER CELL KILLING BY DNA :
DAMAGING AGENTS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 28, 2012, 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 14, 2011. 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 15, 2011. A Notice of Abandonment was mailed December 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 a application data sheet and $25 surcharge, (2) the petition fee of $930.00, and (3) a proper statement of unintentional delay.

Petitioner is reminded subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

This application is being referred to the Office of Patent Application Processing for further processing.

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

/Charlema Grant/

Charlema Grant
Attorney Advisor
Office of Petitions

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GOKALP BAYRAMOGLU
200 W SAHARA AVE UNIT 1601
LAS VEGAS NV 89102

MAILED
JAN 06 2012
OFFICE OF PETITIONS

In re Application of :
Chun-Hsueh Chu :
Application No. 61/447,637 : ON PETITION
Filed: February 28, 2011 :
Attorney Docket No. TPK-P10079-US1 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 18, 2011.

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

The above application became abandoned for failure to file a reply to the Notice to File Missing Parts of Provisional Application mailed on April 16, 2011. The Notice set an extendable period for reply of two months for applicant to submit the missing provisional application cover sheet, together with a surcharge for its late filing. No reply having been received, the application became abandoned on June 17, 2011. The Office mailed a Notice of Abandonment on December 14, 2011.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a provisional application cover sheet, together with the surcharge for its late filing.

The application is being forwarded to the Office of Patent Application Processing for further processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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DW Jun-11

FAY SHARPE LLP
1228 EUCLID AVENUE, 5TH FLOOR
THE HALLE BUILDING
CLEVELAND OH 44115

MAILED
JUN 09 2011
OFFICE OF PETITIONS

In re Application of :
Tryggvason et al. :
Application Number: 61/447,818 : ON PETITION
Deposited: 03/01/2011 :
Attorney Docket Number: LCTI 2 :
00005USP1 :

This is a decision on the PETITION TO ACCORD A FILING DATE UNDER 37 CFR § 1.53(e), filed on April 20, 2011, which is treated as a petition under 37 CFR 1.53(e) requesting that the above-identified provisional application be accorded a filing date of March 1, 2011.

The petition is **GRANTED**.

The application was filed on March 1, 2011, without drawings. Accordingly, on April 5, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application stating that the application has not been accorded a filing date because the application had been deposited without drawings. A provisional application cover sheet including the city and state or city and foreign county of the residence of each inventor was also required.

On April 20, 2011, the present petition was filed. Petitioner argues that drawings are not necessary for an understanding of the subject matter sought to be patented, and so requests that the application be accorded a filing date of March 1, 2011, without drawings.

As stated in MPEP 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

As a review of the official file reveals that the application as filed includes 1 method claim. Therefore, this application contains disclosure relating to a process or method.

In view of the above, the "Notice" mailed April 5, 2011, was mailed in error and is hereby withdrawn.

The application will be processed using the application papers present on filing on March 1, 2011.

Applicant must still provide, when required by the Office, a provisional application cover sheet (37 CFR 1.51(c)(1)), or an application data sheet (37 CFR 1.76), identifying the city and state or city and foreign country of the residence of each inventor.

The application is accorded a filing date of March 1, 2011, without drawings as a part of the original disclosure. The petition fee paid of $400.00 will be credited to counsel's credit card.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of March 1, 2011, using only the application papers filed on that date.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Paper No.

ROBERT M. MCDERMOTT, ESQ.
1824 FEDERAL FARM ROAD
MONTROSS VA 22520

MAILED

JAN 10 2012

OFFICE OF PETITIONS

In re Application of :
Amar et al. : DECISION ON PETITION
Application No. 61/448,062 :
Filed: March 1, 2011 :
Title: DIGITAL GOODS :
INCENTIVE SYSTEM :
Atty Docket No. IFG-110201 :

This is in response to the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed December 19, 2011.

The petition is **GRANTED**.

The above-identified provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application sent April 4, 2011. The Notice set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply received and no extension of time obtained, the application became abandoned effective June 5, 2011. A courtesy Notice of Abandonment was sent on December 15, 2011.

In response, applicants filed the instant petition, requesting revival based on unintentional delay. The petition included the required reply in the form of a "substitute provisional application cover sheet" and the late surcharge; the required statement of unintentional delay; and the petition fee for revival pursuant to 37 CFR 1.137(b).

This petition is granted to revive this provisional application for the 12-month period following the filing of the provisional application. This provisional application is not considered pending after 12 months from its filing date.

The application is being returned to the Office of Patent Application Processing for processing of the response to the Notice to File Missing Parts, the provisional cover sheet (and late surcharge), filed with the petition on December 19, 2011.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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BROWDY AND NEIMARK, PLLC
1625 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED

APR 25 2011

OFFICE OF PETITIONS

In re Application of :
Nazarathy et al. : DECISION ON PETITION
Application Number: 61/448,803 :
Filing Date: 03/03/2011 :
Attorney Docket Number: :
NAZARATHY=2 :

This is a decision on the petition filed on March 9, 2011, which is treated as a petition under 37 CFR 1.59(b), requesting that a paper filed on March 3, 2011, be expunged.

The petition is **GRANTED-IN-PART.**

Petitioners' counsel requests that one (1) page entitled "Invention Disclosure Form" filed with the original application papers be expunged because the paper was unintentionally submitted with the application, and contains information which was not intended to be made public, and that irreparable harm would occur if the paper is not returned. Petitioners further aver that the paper did not form a part of the original disclosure of the application (*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).

Petitioner therefore seeks to have this page expunged from the file.

37 C.F.R. §1.59 sets forth:

§ 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.
(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(h) 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 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]

The matter petitioners wish to have expunged does not form part of the original disclosure. Petitioners have included the fee associated with the filing of petition under 37 C.F.R. §1.59 and has established to the satisfaction of the Director that the expungement of this information is appropriate.

As such, the electronic documents which contain these pages have been closed in the Office's Image File Wrapper software viewing program. The paper documents will not be removed from the physical file however, as the Office does not remove papers from paper files which have been scanned.

The general phone number for the Office of Petitions, which should be used for status requests, is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Director
Office of Petitions

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MINNEAPOLIS MN 55440-1022

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of :
Torres-Rosario et al. :
Application No. 61/448,869 : ON PETITION
Filed: March 3, 2011 :
Attorney Docket No. 10897-0074P04 :
For: OBJECT AND WIRE DETECTION

This is a decision on the correspondence filed April 22, 2011 requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed April 8, 2011. The petition will be treated under 37 CFR 182.

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

The application was filed on March 3, 2011. However, on April 8, 2011, the Office of Patent Application Processing mailed a Notice stating that the application had been accorded a filing date of March 3, 2011, and advising applicants that Figures 5, 6A, 6B, and 8-10B, described in the specification appeared to have been omitted.

In response, the present petition was filed.

While a provisional application should preferably conform to the arrangement guidelines for nonprovisional applications, petitioners are correct that the parts of a provisional application may be included in a single document. Figures 6A, 6B, and 8-10B are clearly labeled within the single document. However, there is no figure labeled "FIG. 5" on page 17 of the specification. The figure on page 17 of the document is unlabeled.

Therefore, the Notice mailed April 8, 2011, was correct in advising applicants that Figure 5 appeared to have been omitted. The Notice will not be withdrawn in toto. A petition fee is required and will not be refunded.

The application is being returned to the Office of Patent Application Processing for further processing with the presently accorded filing date of March 3, 2011 and for the mailing of a filing receipt. It is noted that Figures 6A, 6B, and 8-10B were present on filing.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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FISH & RICHARDSON P.C. (DC)
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MINNEAPOLIS MN 55440-1022

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JUL 01 2011
OFFICE OF PETITIONS

In re Application of :
Robinson, et al. :
Application No.: 61/448,990 : ON PETITION
Filed: March 3, 2011 :
Attorney Docket No.: **29584-0002P01** :

This is a decision on the petition filed May 16, 2011, to accord the above-cited provisional application a filing date. The petition will be treated under 37 CFR 1.182.

The petition is **dismissed.**

The application was submitted on March 3, 2011. On June 3, 2005, the Office of Patent Application Processing mailed a Notice of Omitted Items in a Provisional Application indicating that a filing date was accorded the application, but that Figures 9-11 as described in the specification appeared to have been omitted. The notice allowed a non-extendable period for reply of two months from its mailing date.

On May 16, 2011, the instant "Petition in Response to Notice of Omitted Item(s) in a Provisional Application" was filed. The petition was accompanied by Figures 9-11 as described in the specification. Applicants made no argument that Figures 9-11 were filed on March 3, 2011, and misplaced by the Office. A review of the application file did not reveal Figures 9-11 were filed with the disclosure on March 3, 2011. Section 601.01(d) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that:

> The submission of omitted page(s) in a nonprovisional application and acceptance of the date of such submission as the application filing date is tantamount to simply filing a new application. Thus, applicants should consider filing a new application as an alternative to submitting a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(f)) with any omitted page(s), which is a cost effective alternative in instances in which a nonprovisional application is deposited without filing fees. Likewise, in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.

Accordingly, it would not be appropriate to grant the provisional application a filing date as of the date the omitted figures were filed. If petitioner is not able to establish that Figures 9-11 accompanied the disclosure filed March 3, 2011, petitioner should file a new provisional application as petition under 37 CFR 1.182 to accept omitted pages of a specification or drawing(s) will not be considered in a provisional application.

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

By mail: Commissioner for Patent
Mail Stop Petitions
Box 1460
Alexandria, VA 22313-1460

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

The application file is being directed to the Office of Patent Application Processing with a filing date of March 3, 2011, consisting of only those papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petition 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

MAHAMEDI PARADICE KREISMAN LLP (NLMI)
550 SOUTH WINCHESTER BLVD
SUITE 605
SAN JOSE CA 95128

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Channabasappa	:	
Application No. 61/449,047	:	DECISION ON PETITION
Filed: March 3, 2011	:	
Attorney Docket No. NLM1.P357P2	:	

This is a decision on the "PETITION AND RESPONSE TO NOTICE TO FILE MISSING PARTS", filed May 13, 2011, which is being treated as a request that the "Notice to File Missing Parts of Provisional Application" mailed March 15, 2011 be withdrawn.

The petition is **DISMISSED**.

The application was filed on March 3, 2011. However, on March 15, 2011, the Office mailed a "Notice to File Missing Parts of Provisional Application". The Notice informed applicants that the application had been accorded a filing date. However, Figures 15 as described in the specification appeared to have been omitted. In addition, the provisional application cover sheet was missing.

In response, Applicant filed the instant petition. Applicant explains that Figure 15 was not missing on March 3, 2011.

It is obvious from the petition that no drawings were actually missing on March 3, 2011. Rather, the drawing figures referenced in the specification were misnumbered as a result of applicant's filing error. However, the "Notice to File Missing Parts of Provisional Application" mailed March 15, 2011 was correct in stating that Figure 15 as described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of March 3, 2011, using the 23 sheets of drawings filed on that date and the replacement drawing figures filed on May 13, 2011.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED
MAR 01 2012
OFFICE OF PETITIONS

In re Application of :
CROMWELL, et al. :
Application No. 61/449,159 : NOTICE
Filed: March 4, 2011 :
Attorney Docket No.: 3337.006PRV :

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed February 7, 2012 in the above-identified application. 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.

The fee deficiency submission under 37 CFR 1.28(c) is hereby **ACCEPTED**.

The additional fees of $140.00 (Fee Code 1461) have been charged to Deposit Account No. 19-0743, as authorized in the present request.

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 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
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LATHROP & GAGE LLP
2345 GRAND BOULEVARD
SUITE 2400
KANSAS CITY, MO 64108

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Richard McClure :
Application No. 61/451,056 : NOTICE
Filed: March 9, 2011 :
Attorney Docket No. 514770

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
Alexandria, VA 22313-1450
www.uspto.gov

MANUEL F. DE LA CERRA
6885 CATAMARAN DRIVE
CARLSBAD CA 92011

MAILED
MAR 06 2012
OFFICE OF PETITIONS

In re Application of
Steven Merrill Harrington
Application No. 61/451,214
Filed: March 10, 2011
Attorney Docket No. FLO-004Prov

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 10, 2012, 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 of Incomplete Reply mailed December 13, 2011, which continued to run from the original Notice to File Missing Parts of Provisional Application (Notice), mailed April 7, 2011. 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, 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 reply, (2) the petition fee of $930, and (3) a proper statement of unintentional delay.

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 the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received February 10, 2012.

April M. Wise
Petitions Examiner
Office of Petitions

cc: STEVEN HARRINGTON
1293 BLUE SKY DRIVE
CARDIFF, CA 92007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Erickson Law Group, PC
1749 S. NAPERVILLE ROAD
SUITE 202
WHEATON IL 60189

MAILED
APR 11 2012
OFFICE OF PETITIONS

In re Application of :
Lebel et al. : DECISION ON PETITION
Application No. 61/452,462 :
Filed: March 14, 2011 :
Atty Docket No. 6450P0280US :

This is in response to the "Petition to Correction Inventor's Name Under 37 CFR 1.182 and MPEP § 201.03," filed March 14, 2012.

Applicants petition for the correction of the name of an inventor in the above-identified application. Applicants request that the name of inventor "Dominic Giroux" be corrected to "Dominic Giroux Bernier," on the basis that his second family name was inadvertently absent at the time his name was previously provided. The petition includes a provisional cover sheet with the correct name signed by practitioner Waltmire and payment of the fee under 37 CFR 1.182.

The petition is **GRANTED**.

The inventor's name is changed in the records of the Office to "Dominic Giroux Bernier."

This application is being forwarded to the Office of Patent Application Processing for consideration of the petition to correct inventorship filed November 18, 2011.

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

Nancy Johnson
Senior Petitions Attorney
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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FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO IL 60654-5313

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of :
Gopalsami, et al. :
Application No. 61/453,868 : DECISION ON PETITION
Filed: March 17, 2011 :
Attorney Docket No. 051583-0463 :

This is a decision on the "PETITION UNDER 37 CFR 1.53(C) AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION", filed June 8, 2011, which is being treated as a request that the "Notice of Omitted Item(s)" mailed April 19, 2011 be withdrawn.

The petition is **DISMISSED**.

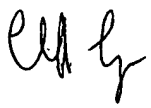
The application was filed on March 17, 2011. However, on April 19, 2011, the Office mailed a "Notice of Omitted Item(s) in a Provisional Application". The Notice informed applicants that the application had been accorded a filing date. However, Figures 10B and 11B as described in the specification appeared to have been omitted. In addition, the provisional application cover sheet was missing.

In response, Applicants filed the instant petition. Applicants explain that Figures 10B and 11B were not missing on March 17, 2011.

It is obvious from the petition that no drawings were actually missing on March 17, 2011. Rather, the drawing figures referenced in the specification were misnumbered as a result of applicants' filing error. However, the "Notice of Omitted Item(s)" mailed April 19, 2011 was correct in stating that Figures 10B and 11B as described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The application is being returned to the Office of Patent Application Processing for processing with a filing date of March 17, 2011, using the replacement drawing figures filed on June 8, 2011.

Telephone inquiries concerning this decision may 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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MAILED
MAY 09 2011
OFFICE OF PETITIONS

MILLER THOMPSON, LLP
SCOTIA PLAZA
40 KING STREET WEST, SUITE 5800
TORONTO ON M5H 3S1 CA CANADA

In re Application of :
Thomas Alexander Topitsch :
Application No. 61/454,279 : DECISION ON PETITION
Filed: March 18, 2011 :
Attorney Docket No. 137127-0001 :

This is a decision on the request filed May 4, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web.

The Office has accepted petitioner's statement as an assertion that the duplicate application was filed by mistake. Accordingly, the filing fee of $110.00, submitted on March 18, 2011, has been credited to petitioner's credit card account as requested.

As no further action will be taken in this application, the request for refund of the filing fee is also being construed as a request to expressly abandon the above-mentioned application. Accordingly, this matter is being referred to the Office of Patent Publication for express abandonment of the subject application.

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

/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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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

MAILED

FEB 23 2011

OFFICE OF PETITIONS

In re Application of :
Lemaire, et al. :
Application No. 61/455,277 : ON PETITION
Received: October 19, 2010 :
Dkt. No. NY-LUDI.P6010US.P2 :

This decision is in response to the petition under 37 CFR 1.53(e), filed November 23, 2010 to accord the above-identified application a filing date of October 18, 2010.

The application was received October 19, 2010. The Notice of Incomplete Provisional Application (Notice) mailed November 19, 2010 by the Office of Patent Application Processing (OPAP) indicated that the application had not been accorded a filing date because the application was deposited without drawings. 35 USC 113.

The Notice indicated, *inter alia*, that the filing date of the application would be the date that drawings were submitted and that any assertion that the omitted items were not necessary must be by way of petition.

Petitioners state:

> "When filed the provisional application did make reference to 7 figures, which were not part of the filing; however, review of the application will indicate that the figures elaborate on materials explained adequately in the application, and are not necessary for an understanding."

The arguments submitted by petitioners have been considered, but are not persuasive. While petitioners argue that the drawings are not necessarily for an understanding of the subject matter sought to be patented, the application as deposited failed to meet the requirements for accordance of a filing date because the specification as filed did not include drawings.

35 USC 113 states:

> The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented. When the nature of such subject matter admits of illustration by a drawing and the applicant has not furnished such a drawing, the Director may require its submission within a time period of not less than two months from the sending of a notice thereof. Drawings submitted after the filing date of the application may not be used (i) to overcome any insufficiency of the specification due to lack of an

> enabling disclosure or otherwise inadequate disclosure therein, or (ii) to supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim.

Thus, the law is clear that the complete application must include a drawing when the nature of the case admits of it. See, In re Application Papers, 152 USPQ 27 (1965).

Accordingly, the application as submitted was not entitled to a filing date as it failed to comply with 35 USC 113.

The Office is not persuaded by applicant's argument that the drawings are not necessary. The specification as filed specifically refers to drawings. Thus, in accordance with MPEP 601.01(f), drawings are deemed necessary.

As the application was admittedly deposited without the drawings required per 35 USC 113, petitioners have failed to establish that the application is entitled to a filing date.

In view thereof, the petition is hereby DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date set forth above. This period of time is not subject to extension under 37 CFR 1.136. Any request for reconsideration should be titled "Request for Reconsideration under 37 CFR 1.53(e)(2)" Failure to timely reply will result in termination of proceedings.

Petitioner is reminded that 35 USC 111(a)(4) provides, in part:

> The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

Receipt of the required petition fee is hereby acknowledged. The petition fee will not be refunded as the petition was not necessitated due to USPTO error.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Alesia M. Brown 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

LUMEN PATENT FIRM
350 Cambridge Avenue
Suite 100
PALO ALTO CA 94306

MAILED
OCT 12 2011
OFFICE OF PETITIONS

In re Application of
Fadeyev et al.
Application No. 61/455,823
Filed: October 27, 2010
Attorney Docket No. USC-127/PROV

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 6, 2011.

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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K&L GATES LLP
3580 CARMEL MOUNTAIN ROAD
SUITE 200
SAN DIEGO CA 92130

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re
Williamson, et al.
Application No. 61/456,454
Filed: November 5, 2010
Attorney Docket No. 3800013.00078 /
P1152C

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed May 17, 2011.

The fee deficiency submission under 37 CFR 1.28 of $110 for the provisional application filing fee is hereby accepted.

The change of status to large entity has been entered.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RAFAEL M. GARCIA
85779 GLENADA RD.
FLORENCE OR 97439

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of :
Poggi et al. :
Application No. 61/456,565 : ON PETITION
Filed: November 9, 2010 :
Title: ADRIN LEVERAGE RATCHET :

This is in response to the communication, filed August 22, 2011, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On December 2, 2010, the Office mailed a Notice to File Missing Parts of Provisional Application (Notice), which set a two-month shortened statutory period to reply. The application became abandoned on February 3, 2011, for failure to submit a timely response to the Notice. On August 11, 2011, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the Notice.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the Notice of December 2, 2010, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after December 2, 2010, to demonstrate nonreceipt of the Notice. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due

date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after December 2, 2010; the period when he would have received the Notice.

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

ALTERNATIVE VENUE

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

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

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

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.

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

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

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

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

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

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
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; and a copy of the Notice dated December 2, 2010.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/456,565	11/09/2010	Adrian Lawrence Poggi	

CONFIRMATION NO. 4087

Rafael M. Garcia
85779 Glenada Rd.
Florence, OR 97439

FORMALITIES LETTER

OC000000044736473

Date Mailed: 12/02/2010

NOTICE TO FILE MISSING PARTS OF PROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(c)

Filing Date Granted

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

- Applicant submitted either: (1) a compact disc (CD) that is **not** in compliance with 37 CFR 1.52(e); or (2) the application electronically via EFS-Web with a text file (non-PDF format) containing information that is required to be in PDF format (see below and 37 CFR 1.52(a)(5)).

Since EFS-Web is a PDF-based filing system, all EFS-Web submissions are required to be in PDF format unless otherwise indicated. Only the following types of information are permitted to be submitted either on a CD or as text files via EFS-Web, if such files are in compliance with the American Standard Code of Information Interchange (ASCII):

1. A computer program listing (see 37 CFR 1.96);
2. A sequence listing (submitted under 37 CFR 1.821-1.825); or
3. Any individual table (see 37 CFR 1.58) if the table is more than 50 pages in length, or if the total number of pages of all of the tables in an application exceeds 100 pages in length, wherein a table page is a page printed on paper in conformance with 37 CFR 1.52(b) and 37 CFR 1.58(c).

Accordingly, the information that was submitted on the CD, or as text files via EFS-Web, will not be entered as part of the application. Thus, the application as filed (the original disclosure) does not include the information.

If the specification of the application contains a reference to the CD and the files contained on the CD, or the text files, applicant is required to file a substitute specification (excluding claims) deleting the reference, and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125, within TWO MONTHS from the mailing of this notice to avoid abandonment of the application. The two-month time period is extendable under 37 CFR 1.136(a) or (b).

Alternatively, if applicant wishes to have the information that was submitted on the CD, or as text files via EFS-Web, entered as part of the application, applicant is required to file within TWO MONTHS from the mailing of this notice: (1) a grantable petition under 37 CFR 1.183 (showing an extraordinary situation where

justice requires suspension of 37 CFR 1.52(e) or EFS-Web requirements and 37 CFR 1.52(a)(5)); and (2) a substitute specification (excluding claims), and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125 either on paper or via EFS-Web as PDF files (adding only the information previously submitted on the CD or as text files via EFS-Web). The two-month time period is extendable under 37 CFR 1.136(a) or (b).

Replies should be mailed to:

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

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

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

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

/amanalac/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CRAIG STALEY
2950 FLORENTINE CT.
THOUSAND OAKS CA 91362

MAILED
SEP 29 2011
OFFICE OF PETITIONS

In re Application of :
STALEY :
Application No. 61/456,665 : ON PETITION
Filed: November 10, 2010 :
Attorney Docket No. :

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

Any request for reconsideration of this decision should be submitted within **two (2) months** from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On December 6, 2010, the Office mailed a Notice to File Missing Parts of Provisional Application (Notice), which set a period to reply of two (2) months. The application became abandoned on February 7, 2011, for failure to submit a timely response to the Notice. On August 19, 2011, the Office mailed a Notice of Abandonment.

Petitioner states "I did not realize I needed to respond and indicates that the compact disc is not needed and can be discarded." Request to amend an application in response to a Notice to File Missing Parts of Provisional Application must have been filed prior to the expiration of the time period set for reply. Since the request was not received prior to February 7, 2011, the application was properly abandoned.

Because petitioner was not aware of the requirement, this would not excuse petitioner from the responsibility to file a proper reply in a timely manner. In view of the above, the petition to withdraw the holding of abandonment is **dismissed**.

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 Notice mailed December 6, 2010, unless previously filed.

(2) The current petition fee as set forth in 37 CFR 1.17(m), is **$1860 ($930 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.

For petitioner's convenience, Form PTO/SB/64 (Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)) accompanies this decision. 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), pay the $1860 ($930 small entity) petition fee and the requirements indicated above at items (1) and (3).

Petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

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

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

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

Enclosure: Form PTO/SB/64 – Petition for Revival of an Application Unintentionally Abandoned Under 37 CFR 1.137(b)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MANELLI DENISON & SELTER PLLC
ATTN: WILLIAM H. BOLLMAN
2000 M. STREET, NW, 7TH FLOOR
WASHINGTON DC 20036

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Paul THOMPSON	:	
Application No. 61/457,051	:	DECISION ON PETITION
Effective Date: December 16, 2010	:	
Attorney Docket No. 20-211	:	

This is a decision on the petition filed February 04, 2011, to accord filing date.

The petition is **DIMISSED**.

On January 07, 2011, the Office mailed a Notice of Incomplete Provisional Application, stating that a filing date has not been accorded to the above-identified application, indicating that the application was deposited without drawings application.

Petitioner asserts that there is a typographical error on page 1, lines 14-18 of the specification and that no figures are part of this provisional application. A review of the specification indicates that the reference to a "Brief Description of the Drawings remains in the application. See 37 CFR 1.121 for making amendments to the specification. A preliminary amendment is needed to correct the errors in the specification, with a statement under 35 USC 113 that drawings are not necessary for the understanding of the subject matter sought to be patented.

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

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JACQUELIN K. SPONG
2139 DOMINION WAY
FALLS CHURCH VA 22043

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Foster, et al. :
Filed: January 21, 2011 : ON PETITION
Application No. 61/457,170 :
Atty. Dkt. No.: IMT-Single Pole Prov :

This decision is in response to the petition under 37 CFR 1.53(c)," filed February 10, 2011. This matter is being treated as a petition to accord the instant application a filing date of January 21, 2011 with Fig. 11 as part of the application as originally filed.

The Notice of Omitted Items in a Provisional Application (Notice) mailed February 2, 2011 indicated that the instant application had been accorded a filing date, but that Fig. 11 of the drawings appeared to have been omitted from the application as filed.

In response, petitioner argues that the application as deposited included Fig. 11 of the drawings, and has presented as proof of mailing and proof of receipt of Fig. 11 of the drawings a receipt card date stamped by the Office on January 21, 2011. The postcard indicates receipt of Fig. 1-11. A copy of Fig. 11 of the drawings was submitted herewith.

The original sheet containing Fig. 3 of the drawings has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of January 21, 2011 with Fig. 11 of the drawings as part of the disclosure of invention is GRANTED.

Since the original sheet containing Fig. 11 of the drawings cannot be located in the Office, the copy of the figure submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter. Petitioner's deposit account will be refunded the $400.00 petition fee that accompanied the petition.

This application will be returned to the Office of Patent Application Processing for further processing with a filing date of January 21, 2011 with Fig. 11 of the drawings as part of the application.

Telephone inquiries related to this decision 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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/457,594	04/27/2011	Richard Qi Li	

CONFIRMATION NO. 7770

Richard Qi Li
2501 SE 49th Ave
Ocala, FL 34480

CONVERSION REQUEST

OC000000050443306

Date Mailed: 10/18/2011

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **09/08/2011,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the amendment including at least one claim in compliance with 35 U.S.C. 112, second paragraph, as required by 37 CFR 1.53(c)(3).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known):	Filing date: 5/2/11

First Named Inventor: Anthony Edward Lee Sr

Title: Water Saving Condenser System

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature Anthony E Lee	Date 5/2/11
Name (Print/Typed) Anthony Edward Lee Sr.	Registration Number

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

☐ *Total of_____ forms are submitted.

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

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.
61/457,606				8358

7590 05/27/2011

EXAMINER	
ART UNIT	PAPER NUMBER

MAIL DATE	DELIVERY MODE
05/27/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Anthony Edward Lee Sr.
808 14th St.
Watervliet, NY 12189-2545

MAY 27 2011

In re Application of :
Anthony Edward Lee Sr. :
Application No. 61/457,606 :
Filed: May 02, 2011 :

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

This is a decision on the petition under 37 CFR 1.102, filed May 02, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

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

The present application is a provisional application. Accordingly, this application is not eligible in the Green Technology Pilot Program.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known):	Filing date: 5/2/11
First Named Inventor:	Anthony Edward Lee sr 808 14th st Waterv liet NY 12189	
Title:		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature	Anthony E Lee	Date	5/2/11
Name (Print/Typed)	Anthony Edward Lee sr	Registration Number	

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

☐ *Total of _____ forms are submitted.

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

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.
61/457,607	05/02/2011	Anthony Edward Lee SR.		9924

7590 05/27/2011

Anthony Edward Lee Sr.
808 14th St.
Watervliet, NY 12189-2545

EXAMINER	
ART UNIT	PAPER NUMBER

MAIL DATE	DELIVERY MODE
05/27/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Anthony Edward Lee Sr.
808 14th St.
Watervliet, NY 12189-2545

MAY 27 2011

In re Application of :
Anthony Edward Lee Sr. : DECISION ON PETITION
Application No. 61/457,607 : TO MAKE SPECIAL UNDER
Filed: May 02, 2011 : THE GREEN TECHNOLOGY
: PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed May 02, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

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

The present application is a provisional application. Accordingly, this application is not eligible in the Green Technology Pilot Program.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of :
Formica, et al. :
Application No. 61/457,981 : DECISION
Filed/Deposited: 27 July, 011 :
Attorney Docket No. **PTB-4398-1182** :

This is a decision on the petition filed on 7 September, 2011, pursuant to 37 C.F.R. ' 1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. ' 1.53 is **DISMISSED without prejudice**.

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

BACKGROUND

The instant application was deposited on 27 July, 2011.

On 11 August, 2011, the Office mailed a Notice of Omitted Items as to drawing FIGS. 91a described in the specification.

OPAP indicated that Petitioner might:

- contend via petition that the drawing FIG. 91(a) was submitted (and evidence same with a copy of a date-stamped receipt card (see: MPEP §503)), or that drawings were not necessary for a filing date; or

- submit the drawing (with a new application) and accept the later date of submission as the filing date.

OPAP set a two- (2-) month period for reply.

On 7 September, 2011, Petitioner filed the instant petition, and suggested therein that Petitioner had properly submitted the materials in question but that the Office scanned those materials, provided a receipt card, but that card referred (unclearly) to FIGS. "1-1-103," and while Petitioner submitted a better copy of the drawing sheet than that originally submitted on deposit, Petitioner did not affirmatively state that Petitioner's submission constituted "no new matter."

Petitioner must overcome these deficiencies.

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 petition is **dismissed without prejudice**; no fees are waived or refunded because, as of this writing, there has been no showing that the petition was based upon an error of the Office, rather than the observably unclear image of FIGS. 91(a) when viewed with other items on that same sheet of drawings. Petitioner is given **ONE MONTH, not less than 30 days,** to reply to this decision and clarify the record herein.

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

[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).

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) 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
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

SEP 23 2011

OFFICE OF PETITIONS

In re Application of :
Formica, et al. :
Application No. 61/457,981 : DECISION
Filed/Deposited: 27 July, 011 :
Attorney Docket No. PTB-4398-1182 :

This is a decision on the petition filed on 21 September, 2011, pursuant to 37 C.F.R. ' 1.53.

NOTE:

In light of Petitioner's opening comments in the petition of 21 September, 2011, Petitioner is reminded of the provisions of the Rules of Practice, specifically the regulations at 37 C.F.R. ' 1.2.[1]

Thus, 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/Caller's action(s)/inaction(s)

For the reasons set forth below, the petition pursuant to 37 C.F.R. ' 1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 27 July, 2011.

[1] The regulations at 37 C.F.R. ' 1.2 provide:1

' 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.

On 11 August, 2011, the Office mailed a Notice of Omitted Items as to drawing FIGS. 91a described in the specification.

OPAP indicated that Petitioner might:

- contend via petition that the drawing FIG. 91(a) was submitted (and evidence same with a copy of a date-stamped receipt card (see: MPEP §503)), or that drawings were not necessary for a filing date; or

- submit the drawing (with a new application) and accept the later date of submission as the filing date.

OPAP set a two- (2-) month period for reply.

On 7 September, 2011, Petitioner filed the instant petition, and suggested therein that Petitioner had properly submitted the materials in question but that the Office scanned those materials, provided a receipt card, but that card referred (unclearly) to FIGS. "1-1-103," and while Petitioner submitted a better copy of the drawing sheet than that originally submitted on deposit, Petitioner did not affirmatively state that Petitioner's submission constituted "no new matter." The petition was dismissed on 19 September, 2011.

Petitioner re-advanced the petition and stated affirmatively that the new copy of the drawing FIG. 91A submitted on 7 September, 2011, is in fact a copy of that originally deposited on 27 July, 2011, and so constituted no new matter.

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

[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 §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

CONCLUSION

The petition is **granted**; the petition fee is not waived in that the error was not that of the Office, but resulted from a poor copy of the drawing FIG. 91a submitted on deposit.

This application is released to OPAP for further processing with a filing date of 27 July, 2011, for the entire application including 88 pages of specification (description, claims and abstract) and 86 sheets of black and white drawings including drawing FIG. 91a described in the specification using:

- **pages 1–88 of the specification (description, claims abstract) and 86 sheets of black and white drawings deposited on 27 July, 2011; and**

- **drawing FIG. 91a described in the specification deposited on 7 September, 2011; and further,**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 27 July, 2011, and reflecting therein that 88 pages of specification (description claims abstract), and 86 sheets of black and white drawings were present on filing.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. ' 1.2[3]) 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/Caller=s action(s).

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

---

[3] The regulations at 37 C.F.R. ' 1.2 provide:1

' 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, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/458,255	11/22/2010	Alfred George Stetter	

CONFIRMATION NO. 7206

Alfred G. Stetter
112 South Virginia Street
Prescott, AZ 86303-3818

CONVERSION REQUEST

Date Mailed: 12/19/2011

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **11/09/2011,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

It is not accompanied by the amendment including at least one claim in compliance with 35 U.S.C. 112, second paragraph, as required by 37 CFR 1.53(c)(3).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/458,281	11/22/2010	Alfred George Stetter	

CONFIRMATION NO. 3571

Alfred G. Stetter
112 South Virginia Street
Prescott, AZ 86303-3818

CONVERSION REQUEST

Date Mailed: 12/19/2011

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(3) TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on **11/09/2011,** to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(3).

A grantable request under 37 CFR 1.53(c)(3) to convert a provisional application to a non-provisional application must be accompanied by the fee set forth in 37 CFR 1.17(i) and an amendment including at least one claim if no claim is present in the provisional application and be filed prior to the earliest of: abandonment of the provisional application filed under 37 CFR 1.53(c) or expiration of twelve months after the filing date of the provisional application filed under 37 CFR 1.53(c). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(i).

It is not accompanied by the amendment including at least one claim in compliance with 35 U.S.C. 112, second paragraph, as required by 37 CFR 1.53(c)(3).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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SCHULTZ & ASSOCIATES, P.C.
SUITE 1200
5400 LBJ FREEWAY
DALLAS TX 75240

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Hunt, et al. :
Application No. 61/458,850 : DECISION
Filed/Deposited: 2 December, 2010 :
Attorney Docket No. 84591.0106 :

This is a decision on the petition filed on 11 January, 2011, pursuant to 37 C.F.R. §1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 2 December, 2010.

On 20 December, 2010, the Office mailed a Notice of Omitted Items, indicating therein that the application had been accorded a filing date but without drawing FIG.7 described in the specification.

Thus, the application was accorded a filing date, but without drawing FIG. 7 described in the specification.

OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawing FIG.S 1, 2 and 15 were present on deposit, and provide a copy of the drawing figures; submit the drawings and accept the date of submission as the filing date; or accept the application as deposited.

OPAP set a two- (2-) month period for reply.

On 11 January, 2011, Petitioner George R. Schultz (Reg. 35,674) submitted, *inter alia*, a petition with fee and an averment that a date-stamped receipt card evidenced the presence on deposit of the application of drawing FIG. 7 with the other papers submitted, and so all of the drawings were present on deposit and that the date-stamped receipt evidenced the Office receipt of the seven (7) sheets of drawings; what was averred to have been true copies of the drawings. On

review of the materials presented, the date-stamped ("120210" and the barcode label "61458850") evidence—in pertinent part—the following:

***

6. Provisional Application for Patent Cover Sheet
7. Provisional Patent Application (18 pages); and
8. Seven (7) sheets of drawings. (Emphasis supplied)

***

Because Petitioner's acknowledgment receipt adequately itemized the contents of the application as to the elements deposited, it is concluded that the application—including a Provisional Application for Patent Cover Sheet, a Provisional Patent Application (18 pages); and Seven (7) sheets of drawings—was deposited with the Office on 2 December, 2010, and that FIG. 7 of the seven sheets of drawings subsequently was misplaced in the Office.

Accordingly, the application—including Figures 7—is entitled to a filing date of 2 December, 2010.

The Notice mailed on 20 December, 2010, was sent in error to the extent that it reflected that FIG. 7 was missing on deposit and is hereby **vacated** to the extent that it stated that the FIG. 7 was omitted on deposit.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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 petition is **granted**; the petition fee waived and is being refunded *via* Treasury Check—should Petitioner later find that a fee was not refunded, Petitioner should send a refund request to Office of Finance with a copy of this decision.

---

[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).

This application is released to OPAP for further processing with a filing date of 2 December, 2010, for the entire application including Figures 7 described in the specification and oath/declaration using:

- **pages 1–18 of the specification (description, claims, abstract), and 6 sheets of black and white drawings (FIGS. 1-6) deposited on 2 December, 2010; and**

- **1 sheet of black and white drawings (FIG. 7) deposited on 11 January, 2011; and further,**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 2 December, 2010, and reflecting therein that 18 pages of specification (description claims abstract), and 7 sheets of black and white drawings (FIGS. 1 – 7) were present on filing.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) 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/Caller'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

§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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MAILED
OCT 21 2011
OFFICE OF PETITIONS

MARIA TERESA ZURBANO
2801 W. VIEW PL
SEATTLE, WA 98199

In re Application of Zurbano :
Application No. 61/459,132 : Decision on Petition
Filing Date: December 7, 2010 :
For: Quick Change Doll :

This is a decision on the letter filed May 26, 2011, which is being treated as a petition under 37 CFR 1.181.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 CFR 1.181."

Background

Petitioner drafted and signed a check for $110 on December 6, 2010.

Petitioner mailed the instant provisional application to the United States Patent and Trademark Office ("Office") using Express Mail on December 7, 2010.

The "Provisional Application for Patent Cover Sheet" mailed with the application states a check or money order for the required filing fee of $110 is enclosed.

The Office was unable to locate a check or money order in the envelope mailed December 7, 2010. As a result, the Office added the following language to the first page of the cover sheet: "The PTO did not receive the following listed item(s) Check $110."

The Office mailed a Notice to File Missing Parts of Provisional Application on December 23, 2010. The notice required the submission of the filing fee of $110 and a $25 surcharge. The notice set an extendable period for reply of two months from the mail date of the notice. The notice included the following language, with emphasis added: "The required item(s) identified

below *must* be timely submitted to avoid abandonment: A surcharge ... of $25 for a small entity in compliance with 37 CFR 1.27."

A reply to the December 23, 2010 notice was filed January 31, 2011. The reply:

1. Included $110 for the filing fee,
2. Stated $25 was not included because a check for $110 was filed with the original application papers, and
3. Included a copy of a carbon copy of the original $110 check.

The Office mailed a Notice of Incomplete Reply on February 4, 2011. The February 4, 2011 notice stated the prior reply was incomplete because it did not include the required $25 surcharge.

A check for $25 was filed March 18, 2010.

The Office mailed a Notice of Incomplete Reply on April 20, 2011. The reply stated, with emphasis in the original,

> Applicant's reply to the Notice mailed on 12-23-2010 was received ... on 03-18-2011. The reply, however, was received after the expiration of the period for reply set forth in the Notice. The application will become **abandoned** unless applicant obtains an extension of the period for reply.

Discussion

Issue 1

The first issue addressed in this decision is whether or not Petitioner timely submitted payment of the $25 surcharge.

The request asserts the $25 surcharge was timely submitted and states,

> I later was informed that my dispute of the late fee had been rejected and asking for additional payment "within two months of the date of this notice" (the notice was dated Feb 4, 2011, which meant that my deadline was Apr 4, 2011).... I later sent an additional check for $25 (deposited on March 21, 2011).

If the February 4, 2011 notice had stated the $65 was due "within two months of the date of *this notice*," as alleged above, a very strong argument the $65 payment was timely filed would exist. However, the notice did not include such language. Instead, the notice stated,

> The [Office] has received your reply ... to the Notice to File Missing Parts (*Notice*) mailed 12/23/2010.... The reply, however, does not include the following items required in the *Notice*. The period of reply remains as set forth in the *Notice*....

The quoted language from the February 4, 2011 notice indicates the February 4, 2011 notice used the term "Notice" to refer to the December 23, 2010 notice, and as result, informed petitioner the time period for reply remained the period set forth in the December 23, 2010 notice.

The $25 payment was not submitted until March 18, 2011, which was beyond the two-month period for reply set forth in the December 23, 2010 notice. The record fails to indicate Petitioner obtained an extension of time to respond to the December 23, 2010 notice. Therefore, the $25 payment was untimely.

Issue 2

The second issue addressed in this decision is whether or not the application is abandoned.

The December 23, 2010 notice set a two-month period for reply, and an extension of time was not obtained. Therefore, the application is abandoned unless a proper reply to the December 23, 2010 notice was filed on or before February 23, 2011.

A reply to the December 23, 2010 notice was filed January 31, 2011. The reply included an assertion $25 was unnecessary because $110 was submitted with the original application papers.

An applicant alleging that a paper was filed in the USPTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The official government record, maintained by disinterested USPTO employees as a part of their customary and usual duties, indicates the check at issue was not filed December 7, 2010. Although the evidence supplied by Petitioner on January 31, 2011, has been considered, the evidence did not have more probative value than the official government record of what was actually received by the USPTO.

The Office acknowledges the evidence filed January 31, 2011, was sufficient to demonstrate Petitioner drafted a check and intended to file the check with the original application papers. However, the evidence was not sufficient to establish the check was actually filed with the original application papers. In other words, the evidence did not establish payment of the $25 was unnecessary.

In view of the prior discussion, a proper reply to the December 23, 2010 notice was not timely filed and the application became abandoned on February 24, 2011.

Issue 3

The third issue addressed in this decision is whether or not the $25 submitted March 18, 2011, is refundable.

The $25 was submitted after the application became abandoned. Therefore, the fee is refundable.

Petitioner requests a refund of the $25. A refund of the fee will be scheduled.

Conclusion

In view of the prior discussion, the application is abandoned.

If Petitioner wishes to revive the application, Petitioner may wish to file a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (resubmission of the $25 surcharge), the required petition fee ($930 for a small entity), 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 pursuant to 37 CFR 1.137(b) was unintentional.

A copy of a PDF fillable petition under 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064.pdf.

Petitioner may wish to consider the following language from MPEP 201.11(II) when considering whether or not to pursue revival of this application to ensure any nonprovisional application filed within 12 months of the filing date of this provisional application has copendency with this application:

> Public Law 106-113 amended 35 U.S.C. 119(e)(2) to eliminate the copendency requirement for a nonprovisional application claiming benefit of a provisional application. 35 U.S.C. 119(e)(2) as amended by Public Law 106-113 is effective as of November 29, 1999 and applies to any provisional applications filed on or after June 8, 1995 but has no effect on any patent which is the subject of litigation in an action commenced before November 29, 1999.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[1] Document Code "PET.OP" should be used if the request is filed electronically.

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

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

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

[1] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

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
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Alexandria, VA 22313-1450
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Paper No.

MAILED

APR 18 2011

OFFICE OF PETITIONS

HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

In re Application of :
Rebstock et al. :
Application No. 61/459,912 : DECISION ON PETITION
Filed: December 20, 2010 :
Attorney Docket No. :
062A.0011.P1(US) :
Title: REDACTION WITH :
CLASSIFICATION AND ARCHIVING :
FOR FORMAT INDEPENDENCE :

This is a decision on the petition pursuant to 37 C.F.R. § 1.182, filed January 18, 2011, to include Figures 24-30 with the original application papers filed December 20, 2010. Petitioner requests, in effect, that the "Notice of Omitted Item(s) in a Provisional Application (notice)" which refers to the omission of Figures 24-30, mailed on January 7, 2011, be withdrawn.

This petition is **GRANTED.**

The application was filed on December 20, 2010. On January 7, 2011, the Office of Data Management mailed a notice stating that the application had been accorded a filing date, but that Figures 24-30, as described in the specification, appeared to have been omitted.

In response, the present petition was filed on January 18, 2011, with the petition fee and an assertion that Figures 24-30 were present on filing.

Upon review of the electronic file, Figures 24-30 have been located. As such, the notice was mailed in error, and is hereby **VACATED.**

The petition fee will be refunded to Deposit Account No. 50-1924 in due course.

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. Office records will reflect that Figures 24-30 were present on filing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[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
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KATHERINE N. WORMAN, ESQ.
BOWERS HARRION, LLP
25 N.W. RIVERSIDE DR.
P.O. BOX 1287
EVANSVILLE, IN 47706

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of :
Brandon Barnard :
Application No. 61/460,700 : DECISION ON PETITION
Filed: January 6, 2011 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 2011.

The request is **APPROVED**.

The request was signed by Katherine N. Worman on behalf of the practitioner of record.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Brandon Barnard at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Brandon Barnard
5741 Drakewich Drive
Evansville, IN 47711

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/460,700	01/06/2011	Brandon Barnard	

CONFIRMATION NO. 1797

POWER OF ATTORNEY NOTICE

Katherine N. Worman, Esq.
Bowers Harrion, LLP
25 N.W. Riverside Dr.
P.O. Box 1287
Evansville, IN 47706

OC000000048134114

Date Mailed: 06/13/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/31/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/460,700	01/06/2011	Brandon Barnard	

CONFIRMATION NO. 1797

Brandon Barnard
5741 Drakewich Drive
Evansville, IN 47711

POA ACCEPTANCE LETTER

OC000000048134192

Date Mailed: 06/13/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/31/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/902,145	10/11/2010	Paul G. Davis	TBUL.P0169

CONFIRMATION NO. 1543

48947
ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES, CA 90049

CONVERSION REQUEST

OC000000045401917

Date Mailed: 01/11/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/28/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,740.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/902,395	10/12/2010	Jason Haniko	NOR-5006USPSP1

CONFIRMATION NO. 2000

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

CONVERSION REQUEST

OC000000045403678

Date Mailed: 01/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/21/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,741.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/695,080	01/27/2010	Philippe Reb	9676-345-999

CONFIRMATION NO. 7205

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

CONVERSION REQUEST

OC000000045410144

Date Mailed: 01/11/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/23/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,742.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/695,080	01/27/2010	Philippe Reb	9676-345-999	7205

20583 7590 12/27/2010

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER	
ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
12/27/2010	PAPER

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

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

Copied from 12695080 on 01/11/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 2 7 2010

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

Reb et al.	:
Serial No.: 12/695,080	: CONVERSION TO PROVISIONAL
Filed: January 27, 2010	:
Attorney Docket No.: 9676-345-999	:

This is in response to applicants' request, filed December 23, 2010, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions regard the conversion process please contact Janice Tippitt at 703-756-1477.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 571-273-8300.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DIW Aug-10

COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

MAILED

SEP 10 2010

OFFICE OF PETITIONS

In re Application of :
Bahulekar et al. :
Application Number: 12/475761 :
Filing Date: 06/01/2009 : ON PETITION
Attorney Docket Number: TYRX-010/00US 308798-2036 :

This is a decision on the petition under 37 CFR 1.137(b), filed on May 20, 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. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on September 16, 2009, for failure to file a timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed on July 15, 2009, which set a two (2)-month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on April 2, 2010.

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

Copied from 12475761 on 02/15/2011

application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

The petition lacks item (1).

The petition lacks the required reply in that a substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125 is required.

Any renewed petition must include the substitute specification as stated in the Notice mailed on July 15, 2009. As petitioners state that the Notice was not received, a copy of the Notice has been enclosed with this decision.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[1] The five (5)-month extension request filed on May 20, 2010, was submitted more than five (5) months after the end of the period for reply to the Notice mailed on July 15, 2009, and therefore is unnecessary. The extension of time fee paid on May 20, 2010, will be refunded to counsel.

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

By mail: Mail Stop Petition
Commissioner for Patents

[1] See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

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

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

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

A reply may also be filed via EFS-Web.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Notice mailed on July 15, 2009

Copied from 12475761 on 02/15/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/475,761	06/01/2009	Raman Bahulekar	TYRX-010/00US 308798-2036

CONFIRMATION NO. 4126

58248
CHRISTOPHER C. POHLE
6665 CANYON RIM ROW
UNIT 214
SAN DIEGO, CA 92111

FORMALITIES LETTER

OC000000036945189

Date Mailed: 07/15/2009

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

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

- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

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

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The application papers (including any electronically submitted papers) are not in compliance with 37 CFR 1.52 because pages 12,13,21,32 contain text that is written in unacceptable font or font size. The text must be written in nonscript type font (e.g., Arial, Times Roman, Courier, preferably a font size of 12) lettering style having capital letters that should be at least 0.3175 cm. (0.125 inch) high. A font with capital letters smaller than 0.3175 cm. (0.125 inch) high is only acceptable if the writing is clear and legible.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

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

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

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$65** for a small entity

- **$65** Surcharge.

Replies should be mailed to:

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

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

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

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

/mkibret/

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

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 DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/475,761	06/01/2009	Raman Bahulekar	TYRX-010/00US 308798-2036

CONFIRMATION NO. 4126

58249
COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

Date Mailed: 09/14/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(2) TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/20/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(2).

A grantable request under 37 CFR 1.53(c)(2) to convert a non-provisional application to a provisional application must be accompanied by the processing fee set forth in 37CFR 1.17(q) and be filed prior to the earliest of: abandonment of the application filed under 37 CFR 1.53(b); payment of the issue fee on the application filed under 37 CFR 1.53(b); expiration of twelve months after the filing date of the application filed under 37 CFR 1.53(b); or the filing of a request for a statutory invention registration under 37 CFR 1.293 in the application filed under 37 CFR 1.53(b). The present request is not grantable because:

It was received after the abandonment of the non-provisional application.

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to the Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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DIW Jan-11

COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON DC 20001

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of :
Bahulekar et al. :
Application Number: 12/475761 : ON PETITION
Filing Date: 06/01/2009 :
Attorney Docket Number: TYRX-010/00US 308798-2036 :

This is a decision in response to the renewed petition under 37 CFR 1.137(b) filed on November 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on September 16, 2009, for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application mailed on July 15, 2009, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on April 2, 2010. The petition filed on May 20, 2010, was dismissed on September 10, 2010. On November 10, 2010, the subject renewed petition was filed.

Receipt of the substitute specification filed on November 10, 2010 is acknowledged.

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

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/475,761	06/01/2009	Raman Bahulekar	TYRX-010/00US 308798-2036

CONFIRMATION NO. 4126

58249
COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

CONVERSION REQUEST

OC000000046025830

Date Mailed: 02/15/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/20/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,743.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/029,589	02/17/2011	Eric Mortensen	230781/10PLAS0072/305705

CONFIRMATION NO. 1000

83332
Jonathan P. O'Brien, Ph.D.
Honigman Miller Schwartz and Cohn LLP
350 East Michigan Avenue
Suite 300
KALAMAZOO, MI 49007

CONVERSION REQUEST

OC000000046851255

Date Mailed: 03/30/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/14/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,744.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/879,771	09/10/2010	Stephan D. Parent	056274-4100

CONFIRMATION NO. 7693

90135
Telik, Inc.
c/o Foley & Lardner LLP
975 Page Mill Road
Palo Alto, CA 94304

CONVERSION REQUEST

OC000000046852114

Date Mailed: 03/30/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/04/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,745.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/879,771	09/10/2010	Stephan D. Parent	056274-4100	7693

90135 7590 03/08/2011

Telik, Inc.
c/o Foley & Lardner LLP
975 Page Mill Road
Palo Alto, CA 94304

EXAMINER	
ART UNIT	PAPER NUMBER
1645	

MAIL DATE	DELIVERY MODE
03/08/2011	PAPER

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

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

Applied from 12879771 on 03/30/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 0 8 2011

Telik, Inc.
c/o Foley & Lardner LLP
975 Page Mill Road
Palo Alto CA 94304

Applicant:
Stephan D. Parent
Serial No.: 12/879,771
Filed: September 10, 2010
Attorney Docket No.: 056274-4100

: CONVERSION TO PROVISIONAL

This is in response to applicant's request, filed March 4, 2011, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions regard the conversion process please contact Janice Tippitt at 703-756-1477.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 571-273-8300.

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

Copied from 12879771 on 03/30/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/945,688	11/12/2010	Guyselaine LECLERC	056274-4500

CONFIRMATION NO. 8304

90135
Telik, Inc.
c/o Foley & Lardner LLP
975 Page Mill Road
Palo Alto, CA 94304

CONVERSION REQUEST

OC000000047471704

Date Mailed: 05/04/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **04/26/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,746.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/899,545	10/07/2010		

CONFIRMATION NO. 6019

Elaine Marie Coleman
117 Brook St
Moscow, PA 18444

CONVERSION REQUEST

OC000000046892940

Date Mailed: 03/31/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on , to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,747.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/899,545	10/07/2010		

CONFIRMATION NO. 6019

Elaine Marie Coleman
117 Brook St
Moscow, PA 18444

CONVERSION REQUEST

OC000000044735257

Date Mailed: 11/30/2010

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(2) TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/29/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(2).

A grantable request under 37 CFR 1.53(c)(2) to convert a non-provisional application to a provisional application must be accompanied by the processing fee set forth in 37CFR 1.17(q) and be filed prior to the earliest of: abandonment of the application filed under 37 CFR 1.53(b); payment of the issue fee on the application filed under 37 CFR 1.53(b); expiration of twelve months after the filing date of the application filed under 37 CFR 1.53(b); or the filing of a request for a statutory invention registration under 37 CFR 1.293 in the application filed under 37 CFR 1.53(b). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(q).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

Copied from 12899545 on 04/04/2011

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
12/899,545	10/07/2010		

CONFIRMATION NO. 6019

Elaine Marie Coleman
117 Brook St
Moscow, PA 18444

CONVERSION REQUEST

OC000000045658961

Date Mailed: 01/25/2011

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(2) TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/27/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(2).

A grantable request under 37 CFR 1.53(c)(2) to convert a non-provisional application to a provisional application must be accompanied by the processing fee set forth in 37CFR 1.17(q) and be filed prior to the earliest of: abandonment of the application filed under 37 CFR 1.53(b); payment of the issue fee on the application filed under 37 CFR 1.53(b); expiration of twelve months after the filing date of the application filed under 37 CFR 1.53(b); or the filing of a request for a statutory invention registration under 37 CFR 1.293 in the application filed under 37 CFR 1.53(b). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(q).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/941,274	02/08/2011	Ernest Oronoz	

CONFIRMATION NO. 9367

Ernest Oronoz
4911 Pelican Dr.
New Port Richey, FL 34652

CONVERSION REQUEST

OC000000046936899

Date Mailed: 04/04/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **02/08/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,748.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/941,274	11/08/2010	Ernest Oronoz	

CONFIRMATION NO. 9367

Ernest Oronoz
4911 Pelican Dr.
New Port Richey, FL 34652

CONVERSION REQUEST

OC000000046768720

Date Mailed: 03/25/2011

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(2) TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/10/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(2).

A grantable request under 37 CFR 1.53(c)(2) to convert a non-provisional application to a provisional application must be accompanied by the processing fee set forth in 37CFR 1.17(q) and be filed prior to the earliest of: abandonment of the application filed under 37 CFR 1.53(b); payment of the issue fee on the application filed under 37 CFR 1.53(b); expiration of twelve months after the filing date of the application filed under 37 CFR 1.53(b); or the filing of a request for a statutory invention registration under 37 CFR 1.293 in the application filed under 37 CFR 1.53(b). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(q).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

Copied from 12941274 on 04/04/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/016,775	01/28/2011	Nathan Paul Quarles	

CONFIRMATION NO. 5235

12900
Nathan Quarles
1457 Great Heron Drive
Santa Rosa, CA 95409

CONVERSION REQUEST

OC000000047471931

Date Mailed: 05/03/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **04/11/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,749.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/016,775	01/28/2011	Nathan Paul Quarles	

CONFIRMATION NO. 5235

12900
Nathan Quarles
1457 Great Heron Drive
Santa Rosa, CA 95409

CONVERSION REQUEST

OC000000046889239

Date Mailed: 03/31/2011

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(2) TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/07/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(2).

A grantable request under 37 CFR 1.53(c)(2) to convert a non-provisional application to a provisional application must be accompanied by the processing fee set forth in 37CFR 1.17(q) and be filed prior to the earliest of: abandonment of the application filed under 37 CFR 1.53(b); payment of the issue fee on the application filed under 37 CFR 1.53(b); expiration of twelve months after the filing date of the application filed under 37 CFR 1.53(b); or the filing of a request for a statutory invention registration under 37 CFR 1.293 in the application filed under 37 CFR 1.53(b). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(q).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

Copied from 13016775 on 05/03/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/034,496	02/24/2011	Benjamin M. CICHOWSKI	079811-0397

CONFIRMATION NO. 1895

26371
FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

CONVERSION REQUEST

OC000000047472277

Date Mailed: 05/03/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/23/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,750.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/053,359	03/22/2011	William T. McElroy	23050-US-PSP

CONFIRMATION NO. 8089

210
MERCK
P O BOX 2000
RAHWAY, NJ 07065-0907

CONVERSION REQUEST

Date Mailed: 05/05/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **04/04/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,751.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/089,483	04/19/2011	Magnus PERSSON	SALBP0285US

CONFIRMATION NO. 1538

58342
WARREN A. SKLAR (SOER)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

CONVERSION REQUEST

OC000000047846199

Date Mailed: 05/24/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/10/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,752.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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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
13/024,560	02/10/2011	Wei Wang	COS-1272 PRO

CONFIRMATION NO. 1919

25264
FINA TECHNOLOGY INC
PO BOX 674412
HOUSTON, TX 77267-4412

CONVERSION REQUEST

OC000000047849078

Date Mailed: 05/24/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/16/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,753.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/017,910	01/31/2011	Vladimir Petunin	10714-REG1/RAD

CONFIRMATION NO. 7581

58377
MENTOR GRAPHICS CORP.
PATENT GROUP
8005 SW BOECKMAN ROAD
WILSONVILLE, OR 97070-7777

CONVERSION REQUEST

OC000000048194797

Date Mailed: 06/14/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/13/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,754.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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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
13/053,977	03/22/2011	Margaret Shields	APA11-6023

CONFIRMATION NO. 9244

34469
BAYER CROPSCIENCE LP
Patent Department
2 T .W. ALEXANDER DRIVE
RESEARCH TRIANGLE PARK, NC 27709

CONVERSION REQUEST

OC000000048197202

Date Mailed: 06/15/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/19/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,755.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/053,977	03/22/2011	Margaret Shields	APA11-6023	9244

34469 7590 05/27/2011
BAYER CROPSCIENCE LP
Patent Department
2 T .W. ALEXANDER DRIVE
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER	
GRUNBERG, ANNE MARIE	

ART UNIT	PAPER NUMBER
1661	

NOTIFICATION DATE	DELIVERY MODE
05/27/2011	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):

blair.wilson@bayercropscience.com
pamula.ramsey@bayercropscience.com
destiny.davenport@bayercropscience.com

Copied from 13053977 on 06/14/2011

UNITED STATES 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 2 7 2011

BAYER CROPSCIENCE LP
Patent Department
2 T .W. ALEXANDER DRIVE
RESEARCH TRIANGLE PARK NC 27709

Applicant:	
Shields, et al.	:
Serial No.: 13/053,977	: CONVERSION TO PROVISIONAL
Filed: March 22, 2011	:
Attorney Docket No.: **APA11-6023**	:

This is in response to applicants' request, filed May 19, 2011, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions regard the conversion process please contact Janice Tippitt at 703-756-1477.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 571-273-8300.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/836,120	07/14/2010	Laura C. Singleton	NEU5024USNP	1533

27777 7590 06/29/2011

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

EXAMINER	
ALLEY, GENEVIEVE S	
ART UNIT	**PAPER NUMBER**
1617	

NOTIFICATION DATE	DELIVERY MODE
06/29/2011	ELECTRONIC

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

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

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

jnjuspatent@corus.jnj.com
lhowd@its.jnj.com
gsanche@its.jnj.com

Copied from 12836120 on 07/12/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN 29 2011

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

In re Application of:
Laura C. Singleton :
Serial No.: 12/836,120 : CONVERSION TO PROVISIONAL
Filed: July 14, 2010 :
Attorney Docket No.: **NEU5024USNP** :

This is in response to applicant's request, filed June 27, 2011, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions regard the conversion process please contact Janice Tippitt at 703-756-1477.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 571-273-8300.

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

Copied from 12836120 on 07/12/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/836,120	07/14/2010	Laura C. Singleton	NEU5024USNP

CONFIRMATION NO. 1533

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

CONVERSION REQUEST

OC000000048726410

Date Mailed: 07/13/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/27/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,756.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/035,943	02/26/2011	Steven Ray	DJR465

CONFIRMATION NO. 3928

64826
LAW OFFICE OF DAVID J. ROSENBLUM
18 EAST LINWOOD AVENUE
PARAMUS, NJ 07652

CONVERSION REQUEST

OC000000048898391

Date Mailed: 07/21/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/09/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,757.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
13/110,676	05/18/2011	Fahad Kamruddin	

CONFIRMATION NO. 3971

Fahad Kamruddin
2414 1st Ave
Unit 625
SEATTLE, WA 98121

CONVERSION REQUEST

OC000000048900340

Date Mailed: 07/21/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on , to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,758.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/110,676	05/18/2011	Fahad Kamruddin	

CONFIRMATION NO. 3971

Fahad Kamruddin
2414 1st Ave
Unit 625
SEATTLE, WA 98121

CONVERSION REQUEST

OC000000048463357

Date Mailed: 06/28/2011

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(2) TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/07/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(2).

A grantable request under 37 CFR 1.53(c)(2) to convert a non-provisional application to a provisional application must be accompanied by the processing fee set forth in 37CFR 1.17(q) and be filed prior to the earliest of: abandonment of the application filed under 37 CFR 1.53(b); payment of the issue fee on the application filed under 37 CFR 1.53(b); expiration of twelve months after the filing date of the application filed under 37 CFR 1.53(b); or the filing of a request for a statutory invention registration under 37 CFR 1.293 in the application filed under 37 CFR 1.53(b). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(q).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

Copied from 13110676 on 07/25/2011

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/982,118	12/30/2010	Levke Bentzien	25781-0016001/2010P00239

CONFIRMATION NO. 7823

32864
FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

CONVERSION REQUEST

OC000000049265371

Date Mailed: 08/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/03/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,759.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
13/073,030	03/28/2011	Mercy Gahone	

CONFIRMATION NO. 7228

CONVERSION REQUEST

m.gahone
2938 wild springs lane
corona, CA 92833

OC000000049266293

Date Mailed: 08/11/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **04/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,760.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/160,495	06/14/2011	Shaun Riedesel	4930.FALC.PR

CONFIRMATION NO. 3464

26986
MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

CONVERSION REQUEST

OC000000049696634

Date Mailed: 09/06/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/08/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,761.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/089,173	04/18/2011	Luca Pallottini	SEMS:175US

CONFIRMATION NO. 9942

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050419474

Date Mailed: 10/17/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,762.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/089,173	04/18/2011	Luca Pallottini	SEMS:175US	9942

73905 7590 09/26/2011

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

EXAMINER	
O HARA, EILEEN B	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
09/26/2011	PAPER

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

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

Applied from 13089173 on 10/17/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 2 6 2011

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

In re Application of:
Luca Pallottini :
Serial No.: 13/089,173 : CONVERSION TO PROVISIONAL
Filed: April 18, 2011 :
Attorney Docket No.: **SEMS:175US** :

This is in response to applicant's request, filed September 22, 2011, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions regard the conversion process please contact Janice Tippett at 703-756-1477.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 571-273-8300.

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

Copied from 13089173 on 10/17/2011

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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
13/159,327	06/13/2011	Nischit Shetty	SEMS:160US

CONFIRMATION NO. 1246

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050419905

Date Mailed: 10/17/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,763.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/159,327	06/13/2011	Nischit Shetty	SEMS:160US	1246

73905 7590 09/26/2011

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

EXAMINER	
GRUNBERG, ANNE MARIE	

ART UNIT	PAPER NUMBER
1661	

MAIL DATE	DELIVERY MODE
09/26/2011	PAPER

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

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

Copied from 13159327 on 10/17/2011

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

SEP 2 6 2011

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

In re Application of:
Nischit Shetty :
Serial No.: 13/159,327 : CONVERSION TO PROVISIONAL.
Filed: June 13, 2011 :
Attorney Docket No.: **SEMS:160US** :

This is in response to applicant's request, filed September 22, 2011, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions regard the conversion process please contact Janice Tippett at 703-756-1477.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 571-273-8300.

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/046,628	03/11/2011	James D. Frantz	SEMS:156US

CONFIRMATION NO. 5269

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050420226

Date Mailed: 10/17/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,764.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/046,628	03/11/2011	James D. Frantz	SEMS:156US	5269

73905 7590 09/26/2011

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

EXAMINER	
GRUNBERG, ANNE MARIE	
ART UNIT	**PAPER NUMBER**
1661	

MAIL DATE	DELIVERY MODE
09/26/2011	PAPER

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

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

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SEP 26 2011

SNR DENTON US LLP
P.O. BOX 061080
CHICAGO IL 60606-1080

In re Application of:
James D. Frantz :
Serial No.: 13/046,628 : CONVERSION TO PROVISIONAL
Filed: March 11, 2011 :
Attorney Docket No.: **SEMS:156US** :

This is in response to applicant's request, filed September 22, 2011, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions regard the conversion process please contact Janice Tippett at 703-756-1477.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 571-273-8300.

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

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/885,776	09/20/2010	Mark Brown	02608.017000

CONFIRMATION NO. 9334

5514
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

CONVERSION REQUEST

OC000000050424274

Date Mailed: 10/17/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/20/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,765.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/885,776	09/20/2010	Mark Brown	02608.017000	9334

5514 7590 10/03/2011

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
LORENCE, RICHARD M	

ART UNIT	PAPER NUMBER
3655	

MAIL DATE	DELIVERY MODE
10/03/2011	PAPER

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

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

Copied from 12885776 on 10/18/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCT - 3 2011

Fitzpatrick, Cella, Harper & Scinto
1290 Avenue of the Americas
New York, NY 10104-3800

In re application of
Tom Fishback et al.
Application No. 12/885,776
Filed: September 20, 2010
For: WHEEL SPINDLE DRIVE ELEMENT

DECISION ON PETITION
TO CONVERT TO A
PROVISIONAL APPLICATION

This is a decision on the petition under 37 CFR 1.53(c)(2) filed September 20, 2011 to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2).

The requirements for the granting of such a petition are: (A) a petition requesting conversion and the petition fee set forth in 37 CFR 1.17(q), and (B) the petition must be filed prior to the abandonment of the 37 CFR 1.53(b) application, the payment of the issue fee, the expiration of 12 months after the applications filing date, or the filing of a request for a statutory invention registration under 37 CFR 1.293, whichever event is earlier. Upon the grant of such a petition no fees properly paid in the 37 CFR 1.53(b) application are entitled to be refunded.

Since all of the requirements for conversion to a provisional application under 37 CFR 1.53(c)(2) have been met, the petition is **GRANTED**.

The application will be assigned a new provisional application number and will be further processed by the Office of Initial Patent Examination (OIPE) as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2). The new provisional application number will be communicated to applicant by OIPE in due course.

Steven N. Meyers, Quality Assurance Specialist
Patent Technology Center 3600
(571) 272-6611

SM/SM: 10/2/11

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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
13/249,927	09/30/2011	Kunal Sur	7245USL1

CONFIRMATION NO. 1748

41155
BRIAN R. WOODWORTH
275 N. FIELD DRIVE
DEPT. NLEG BLDG H-1
LAKE FOREST, IL 60045-2579

CONVERSION REQUEST

OC000000050438027

Date Mailed: 10/19/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/30/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,766.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/870,920	08/30/2010	ZHIXIN SHI	P09423US00

CONFIRMATION NO. 1817

22885
MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

CONVERSION REQUEST

Date Mailed: 11/23/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/28/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,767.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/870,920	08/30/2010	ZHIXIN SHI	P09423US00	1817

22885 7590 09/08/2011

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

EXAMINER	
JOIKE, MICHELE K	
ART UNIT	**PAPER NUMBER**
1636	

NOTIFICATION DATE	DELIVERY MODE
09/08/2011	ELECTRONIC

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

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

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

patatty@ipmvs.com

Copied from 12870920 on 11/22/2011

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SEP 0 8 2011

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

In re Application of:
Shi et al.
Serial No.: 12/870,920 : CONVERSION TO PROVISIONAL
Filed: August 30, 2010
Attorney Docket No.: **P09423US00**

This is in response to applicant's request, filed July 28, 2011, to convert this application to a provisional application.

The petition is **GRANTED**.

Should there be any questions regard the conversion process please contact Janice Tippett at 703-756-1477.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at Office facsimile number, 571-273-8300.

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

Copied from 12870920 on 11/22/2011

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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
13/094,950	04/27/2011	Mark J. Dolan	P36903.00 US

CONFIRMATION NO. 1631

28390
MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

CONVERSION REQUEST

Date Mailed: 12/07/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/21/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,768.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/094,950	04/27/2011	Mark J. Dolan	P36903.00 US	1631

28390 7590 09/26/2011

MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

EXAMINER	
ART UNIT	PAPER NUMBER
3738	

NOTIFICATION DATE	DELIVERY MODE
09/26/2011	ELECTRONIC

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

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

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

rs.vasciplegal@medtronic.com
medtronic_cv_docketing@cardinal-ip.com

Copied from 13094950 on 12/20/2011

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MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA CA 95403

In re Application of:
DOLAN, MARK J. et al
Serial No.: 13/094,950
Filed: April 27, 2011
Docket: P36903.00 US
Title: NERVE IMPINGEMENT SYSTEM INCLUDING AN INTRAVASCULAR PROSTHESIS AND AN EXTRAVASCULAR PROSTHESIS

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.53(C)(2) and MPEP 601.01(C)

This is a decision on the petition for conversion to a provisional application filed Sep. 21, 2011 under 37 CFR 1.53 (C) (2). A fee of $50.00 under 37 CFR § 1.17(q) has been paid.

The petition filed on Sep. 21, 2011 requests conversion to a provisional application under 37 CFR 1.53(C) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (C) (2) (i-iii).

The petition is GRANTED. The application is being forwarded to the Office of Initial Patent Examination for further processing.

/Henry C. Yuen/

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

Copied from 13094950 on 12/20/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/225,480	09/04/2011	Afzal M. Chaudhry	

CONFIRMATION NO. 1639

Afzal M Chaudhry
69 Forest Drive
Piscataway, NJ 08854

CONVERSION REQUEST

OC000000051334339

Date Mailed: 12/06/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/26/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,769.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/282,654	10/27/2011	David Windhausen	

CONFIRMATION NO. 7263

CONVERSION REQUEST

TiBi.tv Inc.
David Windhausen
1713 NE Woodland Shores Ct
Lees Summit, MO 64086

OC000000051776076

Date Mailed: 01/03/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/29/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,770.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/225,478	09/04/2011	George Allen Chambers	

CONFIRMATION NO. 1637

George Allen Chambers
20313 NE 38th Street
Sammamish, WA 98074

CONVERSION REQUEST

OC000000051968524

Date Mailed: 01/12/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/03/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,771.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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
13/244,030	09/23/2011	Cheng P. TAN	APL1P857/P12152US1

CONFIRMATION NO. 6746

47743
WOMBLE CARLYLE SANDRIDGE & RICE LLP
Attn: IP Docketing
P. O. BOX 7037
ATLANTA, GA 30357-0037

CONVERSION REQUEST

OC000000051985624

Date Mailed: 01/13/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/16/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,772.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/038,847	03/02/2011	Timothy A. Oster	1024.11-US

CONFIRMATION NO. 9640

86127
Stanley B. Baker, LTD
P.O. Box 4186
Fayetteville, AR 72701

CONVERSION REQUEST

OC000000052058833

Date Mailed: 01/18/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **12/28/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,773.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/314,840	12/08/2011	Seth FRADER-THOMPSON	EHUBP106US

CONFIRMATION NO. 9928

23623
TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

CONVERSION REQUEST

Date Mailed: 01/20/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/05/2012,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,774.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/943,687	11/10/2010	Daniel Lapen	28441-0003001

CONFIRMATION NO. 4165

26161
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

CONVERSION REQUEST

OC000000052189582

Date Mailed: 01/26/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/01/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,775.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/943,687	11/10/2010	Daniel Lapen	28441-0003001	4165

26161 7590 11/17/2011
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
ART UNIT	PAPER NUMBER
1773	

NOTIFICATION DATE	DELIVERY MODE
11/17/2011	ELECTRONIC

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

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

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

PATDOCTC@fr.com

Applied from 12943687 on 01/25/2012

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOV 17 2011 CST

In re application of :
Daniel Lapen et al :
Serial No. 12/943,687 : DECISION
Filed: November 10, 2010 : ON PETITION
For: AUTOMATED SYSTEMS AND METHODS :
FOR PREPARING BIOLOGICAL :
SPECIMENS FOR EXAMINATION :

This is a decision on the REQUEST TO CONVERT NONPROVISIONAL APPLICATION TO PROVISIONAL APPLICATION, filed November 1, 2011.

A review of the application record indicates that all of the requirements for converting the above-identified application to a provisional application under 37 CFR 1.53(c)(2) have been met.

The petition is **GRANTED.**

This application will be forwarded to the Office of Patent Application Processing (OPAP) for conversion to a provisional application.

/ Christine Tierney /

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Copied from 12943687 on 01/25/2012

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/118,329	05/27/2011	Emily B. Schaefer	005127.01663

CONFIRMATION NO. 9353

22907
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

CONVERSION REQUEST

OC000000052190465

Date Mailed: 01/25/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/10/2012,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,776.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/340,097	12/29/2011	Anandan Ramasamy	11-TPY-0540 (851663.549)

CONFIRMATION NO. 1818

30423
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

CONVERSION REQUEST

OC000000052191565

Date Mailed: 01/26/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/13/2012,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,777.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/248,461	09/29/2011	Bruce M. Mulholland	CICT-90 (2011-0009)

CONFIRMATION NO. 3431

22827
DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

CONVERSION REQUEST

OC000000052192490

Date Mailed: 01/25/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/17/2012,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,778.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/248,588	09/29/2011	Lowell Larson	CICT-94 (2011-0091 POM)

CONFIRMATION NO. 7202

22827
DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

CONVERSION REQUEST

OC000000052193087

Date Mailed: 01/25/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/17/2012,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/460,779.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re application of :
Werner Stahlecker :
Application No. 61/461,408 :
Filed: January 18, 2011 :
Attorney Docket No. 5000.P0250US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on May 4, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Gregor N. Neff
14th Floor
489 5th Avenue
New York NY 10017

MAILED

JUN 30 2011

OFFICE OF PETITIONS

In re Application of :
Siracusano :
Application No. 61/462,005 : DECISION DISMISSING PETITION
Filed: January 27, 2011 :
Attorney Docket No. **33148-2010** :

This is a decision on the petition filed April 6, 2011, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of January 26, 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 1.10."

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on January 26, 2011. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EG829841114US and a transaction receipt for showing payment for the Express Mail package was made on January 26, 2011.

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 (3) above.

As to item (3), the "date-in" of the Express Mail label provided with the petition is blank. The transaction receipt showing that the Express Mail Service transport for the package was paid on January 26, 2011, is noted, but this, alone, is not prima facie evidence that the package was placed with the Express Mail Service for mailing on that date. It is requested that petition provide a copy the Express Mail receipt showing the "date-in" of the subject package or a copy of the "Track and Confirm" printout from the United States Postal Service website showing that Express Mail package EG829841114US was deposited on January 26, 2011.

It is also noted that petitioner requests that application serial number 12/931,213 be accorded a filing date of January 27, 2011. Petitioner must file a separate petition under 37 CFR 1.10(c) in that application making this request and supplying all of the evidence required by 37 CFF 1.10(c).

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

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

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Yiqin Du et al	:	
Application No. 61/462,255	:	DECISION ON PETITION
Filed: January 31, 2011	:	TO WITHDRAW
Attorney Docket No. 31716/02257A	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to 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
Alexandria, VA 22313-1450
www.uspto.gov

Grzegorz Loniewski
203 North Eastwood Avenue
Mount Prospect IL 60056-2416

MAILED
JAN 17 2012
OFFICE OF PETITIONS

In re Application of
Loniewski et al.
Application No. 61/462,960
Filed: February 9, 2011
For: WATER TREATMENT KIT AND COMBINED PLUMBING UNIT TO FACILITATE CONNECTING THE KIT TO A WATER SUPPLY LINE

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed December 5, 2011 in 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 petition has **not** been reviewed on the merits because the petition has not been properly signed.

In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
(2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
(3) An assignee as provided for under §3.71(b) of this chapter; or
(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The petition has not been signed by all of the applicants. The three other inventors must execute the petition. To the extent applicant Grzegorz Loniewski purports to be the assignee of this application the requirements of 37 CFR 3.71 and 3.73(b) have not been met.

A courtesy copy of the Notice of Missing Parts is enclosed.

It is further noted since Grzegorz Loniewski does not appear to be authorized to practice before the office, a registration number is not applicable. The number 14836 appears to be a customer number, which is not a registration number

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

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

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

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

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

Charlema Grant
Attorney Advisor
Office of Petitions

Enclosure: Notice of Missing Parts dated March 10, 2011.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/462,960	02/09/2011	Grzegorz Loniewski	

CONFIRMATION NO. 2167

Grzegorz Loniewski
203 North Eastwood Avenue
Mount Prospect, IL 60056-2416

FORMALITIES LETTER

OC00000046434732

Date Mailed: 03/10/2011

NOTICE TO FILE MISSING PARTS OF PROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(c)

Filing Date Granted

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

- Applicant submitted either: (1) a compact disc (CD) that is **not** in compliance with 37 CFR 1.52(e); or (2) the application electronically via EFS-Web with a text file (non-PDF format) containing information that is required to be in PDF format (see below and 37 CFR 1.52(a)(5)).

Since EFS-Web is a PDF-based filing system, all EFS-Web submissions are required to be in PDF format unless otherwise indicated. Only the following types of information are permitted to be submitted either on a CD or as text files via EFS-Web, if such files are in compliance with the American Standard Code of Information Interchange (ASCII):

1. A computer program listing (see 37 CFR 1.96);
2. A sequence listing (submitted under 37 CFR 1.821-1.825); or
3. Any individual table (see 37 CFR 1.58) if the table is more than 50 pages in length, or if the total number of pages of all of the tables in an application exceeds 100 pages in length, wherein a table page is a page printed on paper in conformance with 37 CFR 1.52(b) and 37 CFR 1.58(c).

Accordingly, the information that was submitted on the CD, or as text files via EFS-Web, will not be entered as part of the application. Thus, the application as filed (the original disclosure) does not include the information.

If the specification of the application contains a reference to the CD and the files contained on the CD, or the text files, applicant is required to file a substitute specification (excluding claims) deleting the reference, and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125, within TWO MONTHS from the mailing of this notice to avoid abandonment of the application. The two-month time period is extendable under 37 CFR 1.136(a) or (b).

Alternatively, if applicant wishes to have the information that was submitted on the CD, or as text files via EFS-Web, entered as part of the application, applicant is required to file within TWO MONTHS from the mailing of this notice: (1) a grantable petition under 37 CFR 1.183 (showing an extraordinary situation where

justice requires suspension of 37 CFR 1.52(e) or EFS-Web requirements and 37 CFR 1.52(a)(5)); and (2) a substitute specification (excluding claims), and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125 either on paper or via EFS-Web as PDF files (adding only the information previously submitted on the CD or as text files via EFS-Web). The two-month time period is extendable under 37 CFR 1.136(a) or (b).

Replies should be mailed to:

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

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

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

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

/hchin/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALLAN J. NOVAK
3043 BOWSPRIT LN
ST JAMES CITY, FL 33956

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of :
Allan J. NOVAK :
Application No. 61/463,568 : DECISION ON PETITION
Filed: February 22, 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 February 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 the certification on inventor Allan J. NOVAK, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-400.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Office of Patent Application Processing for action commensurate with this decision.

/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

RALPH GERALD HURST
28380 BEAR VALLEY RD.
TEHACHAPI CA 93561

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Hurst, Ralph Gerald	:	DECISION ON PETITION
Application No. 61/463,943	:	TO MAKE SPECIAL
Filed: February 25, 2011	:	37 CFR 1.102(C)
Title: "E-Z" Up Drywall	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 25, 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 **DISMISSED**.

A petition to make special advances an application out of turn for examination. As a provisional application will not be examined for patentability, a petition to make the application special and taken out of turn is a moot issue. Should petitioner file a nonprovisional application, a petition to make special can be filed in that application to advance its examination process.

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

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning should be directed to the Office of Patent Application Processing.

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

Bracewell & Giuliani LLP
P.O. Box 61389
Houston TX 77208-1389

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application of :
Larry Curtis Lawley : DECISION ON PETITION
Application No. 61/464,342 :
Filed: March 3, 2011 :
Title: EASY APPLIQUE :
Atty Docket No. 1173JB.027159 :

This is in response to the "PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)" filed January 6, 2012.

The petition is **GRANTED**.

The above-identified provisional application became abandoned for failure to respond to the Notice to File Missing Parts of Provisional Application mailed March 29, 2011. The Notice set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply received and no extension of time obtained, the application became abandoned effective May 30, 2011. A courtesy Notice of Abandonment was mailed on December 8, 2011.

In response, new attorney for applicants filed the instant petition, requesting revival based on unintentional delay. The petition includes a reply to the Notice, the required statement of unintentional delay, and the petition fee for revival pursuant to 37 CFR 1.137(b).

The statement of unintentional delay was made by the newly appointed attorney. As such, 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.

This petition is granted to revive this provisional application for the 12-month period following the filing of the provisional application. This provisional application is not considered pending after 12 months from its filing date.

The application is being returned to the Office of Patent Application Processing for processing of the response to the Notice to File Missing Parts, filed with the petition on January 6, 2012.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Application of

Alexander, et al.

Application No. 61/467,850

Filed: March 25, 2011

Attorney Docket No. **82678497**

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), January 13, 2012, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Provisional Application mailed April 15, 2011. The notice set a shortened period for reply of two months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). No response was received within the allowable period and the application became abandoned in June 16, 2011. A Notice of Abandonment was mailed December 23, 2011.

The provisional application basic filing fee and surcharge filed January 13, 2012, is noted.

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.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. Laughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
Ashok K. Mannava
Mannava & Kang, P.C.
11240 Waples Mill Road
Suite 300
Fairfax, VA 22030

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAY 20 2011

OFFICE OF PETITIONS

Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

In re Application of :
Friedman, et al. :
Application No. 61/468,709 : ON PETITION
Deposit date: March 29, 2011 :
Attorney Docket No. FRIEDMAN=22 :
For: LIQUID PRECURSOR
COMPOSITIONS AND USES THEREOF
FOR A PH-DEPENDANT SUSTAINED
RELEASE OF ACTIVE AGENTS

This is a decision on the petition filed April 21, 2011 to accord a filing date of March 29, 2011 to the above-identified application.

The application was deposited on March 29, 2011. However, on April 18, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawing(s). It is noted that the specification filed on March 29, 2011 does not reference drawing figures.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) 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 The same practice has been followed in composition applications.

MPEP 601.01(f) also states that:

> ... A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, not describing drawing figures in the specification, and filed without drawings will simply be processed, so long as the application contains something that can be construed as a written description.

This provisional application contains a detailed written description and clearly is a composition application. Therefore, the application should have been accorded a filing date without drawings.

In view of the above, the "Notice" mailed April 18, 2011 was mailed in error and is hereby withdrawn. The application is entitled to a filing date of March 29, 2011. The petition is **granted**.

Pursuant to petitioners' request, the $400.00 petition fee will be refunded to petitioners' credit card.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of **March 29, 2011** and the mailing of a filing receipt reflecting the March 29, 2011 filing date.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH
PARKWAY SE
SUITE 1500
ATLANTA GA 30339

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of :
Gregory A. Dunko :
Application No. 61/470034 :
Filing or 371(c) Date: 03/31/2011 : ON PETITION
Attorney Docket Number: :
250835-8010 :

This decision is in response to the "Petition Under 37 C.F.R. § 1.182," filed January 20, 2012, requesting correction of the name of an inventor.

MPEP 201.03, Correction of Inventorship in an Application, provides

> (B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.[1]"

MPEP 605.04(b)

Applicant is further advised that

> Although 37 CFR 1.76 does not change the practice in MPEP § 201.03 and § 605.04(b) regarding correction of a typographical or transliteration error in the spelling of an inventor's name whereby all that is required is notification of the

[1] The fee for a petition under 37 CFR 1.182 is $400.00, effective December 8, 2004. The balance of the petition fee has been charged to Petitioner's deposit account as authorized in the fee transmittal filed with the application papers on November 17, 2007.

> error to the Office, the Office strongly encourages the filing of an application data sheet or a supplemental application data sheet to correct a typographical or transliteration error in the spelling of an inventor's name. A supplemental oath or declaration is not required. If applicant merely files a statement notifying the Office of the typographical or transliteration error in the spelling of an inventor's name without submitting an application data sheet or a supplemental application data sheet, 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 601.05

The petition is hereby **granted**.

The name of inventor Greg Dunko has been changed to Gregory A. Dunko, and the name Gregory A. Dunko has been entered and made of record in the above-identified application.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosures: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/470,034	03/31/2011		220	250835-8010		

CONFIRMATION NO. 4625

CORRECTED FILING RECEIPT

24504
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA, GA 30339

Date Mailed: 02/29/2012

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)

Gregory A. Dunko, Cary, NC;

Power of Attorney:
Daniel McClure--38962

If Required, Foreign Filing License Granted: 04/08/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/470,034**

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

Non-Publication Request: No

Early Publication Request: No
Title

Secure Shareable Pieces for Lucky Lockscreen Phone Customization

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
SEP 22 2011
OFFICE OF PETITIONS

In re Application:
Cheng et al.
Application No. 61/470,194
Filed: March 31, 2011
Attorney Docket No. 022490-9008-00

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed May 12, 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 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

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

MAILED
SEP 22 2011
OFFICE OF PETITIONS

In re Application:	:	
Cheng et al.	:	
Application No. 61/470,206	:	ON PETITION
Filed: March 31, 2011	:	
Attorney Docket No. 022490-9009-00	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed May 12, 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.

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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) 272-7751.

/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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MCCARTER & ENGLISH, LLP BOSTON
265 Franklin Street
Boston MA 02110

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of
Parker
Application No. 61/472,039
Filed: April 5, 2011
Attorney Docket No. 117823-03301

: ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 2012, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned June 22, 2011 for failure to timely submit a proper reply to the Notice of File Missing Parts of Provisional Application (Notice) mailed April 21, 2011. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed January 3, 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.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See, In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,345.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary. Petitioner may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application is being directed to the Office of Patent Application Processing for further processing.

/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
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LATHROP & GAGE LLP
2345 GRAND BOULEVARD
SUITE 2400
KANSAS CITY MO 64108

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re application of :
Richard McClure :
Application No. 61/472,400 : NOTICE
Filed: April 6, 2011 :
Attorney Docket No. 514768 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on May 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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United States Patent and Trademark Office
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Beusse Wolter Sanks Mora & Maire
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO FL 32801

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Application of :
Charles Wingo :
Application No. 61/472604 :
Filing or 371(c) Date: 04/06/2011 :
Attorney Docket Number: : DECISION
10457-194 : ON PETITION

This is a decision on the "Petition Under 37 C.F.R. 1.53(e)," filed May 11, 2011, requesting this Office accord the application a filing date with the absence of drawings.

The petition is granted.

The application was filed on April 6, 2011. On April 21, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition and provides that drawings are not necessary for an understanding of the subject matter of the invention.

A review of the file reveals that the specification contains method claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition 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).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains method claims; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice mailed April 21, 2011, was mailed in error and is hereby withdrawn.

This application is being referred to the Office of Patent Application Processing, Customer Corrections, for further processing, with the filing date of April 6, 2011, and an indication that no drawings were present or required on filing.

The petition fee has been refunded to Petitioner's credit card.

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

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

K. Patrick Lee
6428 Castlemere Dr
Plano TX 75093

MAILED

FEB 24 2012

OFFICE OF PETITIONS

In re Application of	:	
Karl Patrick Lee	:	
Application No.: 61/472873	:	DECISION ON
Filing or 371(c) Date: 04/07/2011	:	PETITION
Title of Invention:	:	
ELECTRONIC MONEY TRANSFER	:	
EMBEDDED IN SOCIAL MEDIA	:	
INTERNET COMMUNITIES	:	

This is a decision in response to the correspondence filed January 9, 2012, wherein petitioner asserts non-receipt of an Office communication, and requests re-mailing thereof. The correspondence is properly treated as a petition under 37 CFR 1.181 (no fee), to withdraw the holding of abandonment based upon non-receipt of an Office communication.

This Petition is hereby **dismissed**.

Any further petition 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. (Extensions of time require a fee). The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," and should only address the deficiencies noted below. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Provisional Application ("Notice"), mailed April 18, 2011. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on November 5, 2008. A Notice of Abandonment was mailed December 29, 2011.

Petition under 37 CFR 1.181

Applicant files the present petition and states that he did not receive the Notice, mailed April 18, 2011. Applicant provides that he and his partners have searched diligently in their files and records and no notice or request from this Office has been received.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication **must include** a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
> **Practitioner must state** that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. **A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.**
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, **a copy of the master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action **must be submitted** as documentary proof of nonreceipt of the Office action. ***If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket;*** incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Analysis/conclusion

Regrettably the petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the petitioner

describing the system used for recording an Office action received at the correspondence address of record. The statement should establish that the docketing system is sufficiently reliable. In addition, a copy of the petitioner's record(s) required to show non-receipt of the Office action should include either a copy of the master docket (usually for a law firm), or ***if no such master docket exists, the petitioner should so state and provide other evidence such as, but not limited to, the following: a copy of the application file jacket;*** incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of application file, where the non-received Notice would have been entered had it been received.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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K. Patrick Lee
6428 Castlemere Dr
Plano TX 75093

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of	:	
Karl Patrick Lee	:	
Application No.: 61/472873	:	DECISION ON
Filing or 371(c) Date: 04/07/2011	:	PETITION
Title of Invention:	:	
ELECTRONIC MONEY TRANSFER	:	
EMBEDDED IN SOCIAL MEDIA	:	
INTERNET COMMUNITIES	:	

This is a decision in response to the renewed petition under 37 CFR 1.181, filed February 29, 2012, wherein petitioner asserts non-receipt of an Office communication, and requests re-mailing thereof.

This Petition is hereby **dismissed**.

Any further petition 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. (Extensions of time require a fee). The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," and should only address the deficiencies noted below. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Provisional Application ("Notice"), mailed April 18, 2011. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on November 5, 2008. A Notice of Abandonment was mailed December 29, 2011.

January 9, 2012 Petition under 37 CFR 1.181

Applicant filed a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication, on January 9, 2012. Petitioner stated that he did not receive the Notice, mailed April 18, 2011. Applicant/petitioner provided that he and his partners searched diligently in their files and records and no notice or request from this Office has been received.

February 24, 2012 Decision dismissing the petition

The petition was dismissed in a decision mailed February 24, 2012. The decision dismissing the petition informed petitioner that the Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the petitioner describing the system used for recording an Office action received at the correspondence address of record. The statement should establish that the docketing system is sufficiently reliable. In addition, a copy of the petitioner's record(s) required to show non-receipt of the Office action should include either a copy of the master docket (usually for a law firm), or if no such master docket exists, the petitioner should so state and provide other evidence such as, but not limited to, the following: a copy of the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The present renewed petition

Petitioner files the present renewed petition and includes a statement from the petitioner describing the system used for recording an Office action received at the correspondence address of record. Petitioner provides that a file of their notes and communications with this Office are in a file folder labeled "Patents." Petitioner also includes with the petition "are copies of the labels, files and some USPTO correspondences which were bound in [petitioner's] corporate three ring binders.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication **must include** a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
> **Practitioner must state** that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was

not received. **A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.**
A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, **a copy of the master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action **must be submitted** as documentary proof of nonreceipt of the Office action. ***If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket;*** incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Analysis/conclusion

Regrettably the petition is again not grantable at this time. A review of the copies of petitioner's file reveal and contents reveal that petitioner has filed a copy of the February 24, 2012 decision, and a copy of petitioner's Filing Receipt. However, notably absent from the file is a copy of the Notice of Abandonment, previously filed with the original, January 9, 2012 petition. Moreover, petitioner states that also included with the petition "are copies of the labels, files and ***some USPTO correspondences*** which were bound in [petitioner's] corporate three ring binders.

As stated above, what is required is a copy of the file jacket where the non-received correspondence would have been entered had it been received. In this instance, petitioner has provided copies of the labels, files and some USPTO correspondences which were bound in [petitioner's] corporate three ring binders.

Petitioner has admittedly not filed a copy of the file jacket, but only a copy of some USPTO correspondences which were bound in [petitioner's] corporate three ring binders.

Petitioner is also reminded that a copy of the petitioner's record(s) required to show non-receipt of the Office action should include either a copy of the master docket (usually for a law firm), or ***if no such master docket exists, the petitioner should so state and provide other evidence such as, but not limited to, the following: a copy of the application file jacket;*** incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition does not state whether a master docket exists.

The petition is again dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of application file, where the non-received Notice would have been entered had it been received.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

/DLW/

Derek L. Woods
Attorney
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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ENDOLOGIX, INC
11 STUDEBAKER
IRVINE, CA 92618

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
Stefan Schreck, et al. :
Application No.: 61/473,051 : ON PETITION
Filed: April 7, 2011 :
Attorney Docket No.: P0098P2 :

This is a decision in response to the petition styled "PETITION UNDER §1.181(f) AND §1.153(e)(2) TO PETITION TO CORRECT FILING DEFICIENCY AND ACCORD FILING DATE," filed April 30, 2011, which is treated as a petition under 37 CFR 1.53(e) requesting that the above-identified provisional application be accorded a filing date of April 7, 2011.

The petition, as construed, is **GRANTED**.

The application was filed on April 7, 2011, without drawings.[1] Accordingly, on April 20, 2011, the Office of Data Management, Application Assistance Unit, mailed a Notice of Incomplete Provisional Application stating that the application has not been accorded a filing date because the application had been deposited without drawings.

On April 30, 2011, the present petition was filed, wherein petitioner asserts that the application should be accorded a filing date of April 7, 2011, including the omitted drawings. Petitioner explains that the drawings are incorporated by reference in view of an amendment claiming priority to a prior filed provisional application filed concurrently with the present petition.

Petitioner should note that the drawings cannot be incorporated by reference in this case, since a provisional application cannot claim benefit of a prior-filed provisional application, or any other application.

[1] 35 U.S.C. ' 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

As stated in MPEP 601.01(f), it has been USPTO practice to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).[2]

A review of the record reveals that the application as filed contains at least some disclosure of a process or method. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

The "Notice of Incomplete Nonprovisional Application" mailed on April 20, 2011, was sent in error and is hereby vacated to the extent that it stated that the application was incomplete.

Since the petition was necessitated by an error on the part of the USPTO, no petition fee is necessary. The $400 petition fee is being refunded to counsel's credit card.

The amendment filed April 30, 2011 will not be entered, since amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application. MPEP 601.01(b). Likewise, in view of the relatively low filing fee for provisional applications, and the desire of the USPTO to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application. MPEP 601.01(d).

The application will be processed and examined using the application papers filed on April 7, 2011.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of April 7, 2011, using only the application papers filed on that date, and for an indication in Office records that no (0) drawings were present on filing.

---

[2] MPEP 601.01(f).

Telephone inquiries specific to this matter should be directed to the undersigned at 571-272-3204. Questions relating to processing at OPAP should be directed to their hotline at 571-272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Susan B. Fentress
Harris, Shelton, Hanover and Walsh
One Commerce Square, Suite 2700
Suite 2700
Memphis TN 38103

MAILED

FEB 03 2012

OFFICE OF PETITIONS

In re Application of :
Brahm :
Application No. 61/473,272 : ON PETITION
Filed: April 8, 2011 :
Attorney Docket No. 21093.000 :

This is a decision on the 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.

The application became abandoned June 20 10, 2011 for failure to timely submit a proper reply to the Notice of File Missing Parts of Provisional Application (Notice) mailed April 19, 2011. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed December 28, 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.

This application is being directed to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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GARDNER GROFF GREENWALD & VILLANUEVA PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA GA 30339

MAILED
DEC 12 2011
OFFICE OF PETITIONS

In re
Fred J. Molz
Application No. 61/473,284
Filed: July 27, 2001
Attorney Docket No. 2B14.1-070

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed November 4, 2011.

The fee deficiency submission under 37 CFR 1.28 of $140 for the provisional application filing fee hereby accepted.

The change of status to large entity has been entered.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LLNS/FOLEY & LARDNER
LAWRENCE LIVERMORE NATIONAL SECURITY, LLC
C/O FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304-1013

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of :
Michael Stadermann et al :
Application No. 61/473,537 : NOTICE
Filed: April 8, 2011 :
Attorney Docket No. 093866-2150

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
Alexandria, VA 22313-1450
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LLNS/FOLEY & LARDNER
LAWRENCE LIVERMORE NATIONAL SECURITY, LLC
C/O FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304-1013

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Michael STADERMANN et al.	:	
Application No. 61/473,654	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: April 08, 2011	:	
Attorney Docket No. 093866-2200	:	

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

Thurman K. Page
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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C/O FOLEY & LARDNER LLP
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PALO ALTO, CA 94304-1013

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of :
Michael Stadermann, et al. :
Application No. 61/474,170 :
Filed: April 11, 2011 :
Atty Docket No.: 093866-2100 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

/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

MUSKIN & CUSICK LLC
100 West Main Street
SUITE 205
Lansdale PA 19446

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application of

Perrone, et al.

Application No. 61/474,289

Filed: April 12, 2011

Attorney Docket No. **868-P2**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed February 7, 2012.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on June 22, 2011, after it was believed that no response was received to the Notice to File Missing Parts of Provisional Application mailed April 21, 2011. The notice allowed a shortened period for reply of two (2) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on January 5, 2012, indicating that a reply to the notice was not received.

A review of the application file record did reveal that a provisional coversheet and surcharge responsive to the Notice of April 21, 2011, was received on June 21, 2011. Based on the aforementioned, it appears that the application was improperly held abandoned as a complete response was received prior to expiration of the shortened period for reply. The holding of abandonment is being withdrawn, accordingly.

The application file is being forwarded to the Office of Patent Application for further review.

Further 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

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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FEB 06 2012

OFFICE OF PETITIONS

Vista IP Law Group, LLP
2160 Lundy Avenue, Suite 230
San Jose CA 95131

In re Application of :
Sherman, et al. :
Application No. 61/475,578 : ON PETITION
Filed: April 14, 2011 :
Attorney Docket No. **S11-090-P**

This is a decision on the petition under 37 CFR §1.137(b), January 13, 2012, to revive the above-identified application.

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

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Provisional Application mailed April 26, 2011. The notice set a shortened period for reply of two months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). No response was received within the allowable period and the application became abandoned on June 27, 2011. A Notice of Abandonment was mailed on January 9, 2012.

The provisional coversheet and surcharge were received on January 13, 2012.

The application file will be directed to the Office of Patent Application Processing for further processing.

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

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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SORIN ROYER COOPER LLC
TWO TOWER CENTER BOULEVARD 11TH FLOOR
EAST BRUNSWICK NJ 08816

MAILED
FEB 21 2012
OFFICE OF PETITIONS

In re Application of :
Olsen, et al. :
Application No. 61/477,069 : ON PETITION
Filed: April 19, 2011 :
Attorney Docket No. 449-142 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed January 30, 2012.

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

The above application became abandoned for failure to file a complete reply to the Notice to File Missing Parts of Provisional Application mailed on May 10, 2011. The Notice set an extendable period for reply of two months for applicant to submit the statutory basic filing fee, the surcharge for its late filing, and excess pages fees. In addition, the Notice required a provisional application cover sheet or an ADS. Applicants filed the fees on May 13, 2011. However, Applicants did not submit a provisional application cover sheet or ADS. As such, the application became abandoned on July 11, 2011. The Office mailed a Notice of Incomplete Reply on January 20, 2012, and a Notice of Abandonment on January 30, 2012.

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

The application is being forwarded to the Office of Patent Application Processing for further processing.

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

Cliff Congo
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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SORIN ROYER COOPER LLC
TWO TOWER CENTER BOULEVARD 11TH FLOOR
EAST BRUNSWICK NJ 08816

MAILED

FEB 29 2012

OFFICE OF PETITIONS

In re Application of :
Olsen, et al. :
Application No. 61/477,069 :
Filed: April 19, 2011 :
Attorney Docket No. 449-142 :

CORRECTED DECISION ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), filed January 30, 2012.

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

The above application became abandoned for failure to file a complete reply to the Notice to File Missing Parts of Provisional Application mailed on May 10, 2011. The Notice set an extendable period for reply of two months for applicant to submit the statutory basic filing fee, the surcharge for its late filing, and excess pages fees. In addition, the Notice required a provisional application cover sheet or an ADS. Applicants filed the fees on May 13, 2011. However, Applicants did not submit a provisional application cover sheet or ADS. As such, the application became abandoned on July 11, 2011. The Office mailed a Notice of Incomplete Reply and a Notice of Abandonment on January 20, 2012.

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

The application is being forwarded to the Office of Patent Application Processing for further processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
61/477,351	04/20/2011	RAOUL BONAN	PENDING	2859

7590 06/02/2011

Carlos R. Alvarenga
4523 W. 116th St
Hawthorn, CA 90250

EXAMINER	
ART UNIT	PAPER NUMBER
MAIL DATE	DELIVERY MODE
06/02/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☑ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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OFFICE OF PETITIONS

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

In re Application of	:	
Dale A. Rudolph	:	
Application No. 61/477,565	:	DECISION ON PETITION
Filed: April 20, 2011	:	
Attorney Docket No. PRD3209USPSP	:	

This is a decision on the request filed August 18, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **GRANTED** in part.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web.

The Office has accepted petitioner's statement as an assertion that the duplicate application was filed by mistake. Accordingly, the filing fee of $220.00, submitted on April 20, 2011, has been credited to petitioner's deposit account as authorized.

The application size (per 50 sheets > 100) fee of $1,080 will not be refunded because the excess pages were submitted.

As no further action will be taken in this application, this matter is being referred to the Office of Patent Publication for express abandonment of the subject application.

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

/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
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Cosmic Descent, LLC.
Box 1624
Vernon CT 06066

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JUN 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Les Okrasa	:	
Application No. 61/478848	:	DECISION
Filing or 371(c) Date: 00/00/0000	:	ON PETITION
Title of Invention:	:	
COSM ENTERTAINMENT SYSTEM	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed April 25, 2011.

This Petition is hereby **dismissed as inappropriate**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The present petition was deposited via the Electronic Filing System, and identified application no. 61/245543, filed September 24, 2009. Applicant also filed an Electronic Patent Application Fee Transmittal; however, no petition fee or filing fees were deposited with the petition.

The Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on June 3, 2011, informing applicant that the specification and filing fee were missing.

Application status

It is noted that the Electronic Patent Application Fee Transmittal contains a title different than that listed on the petition. Petitioner is advised that the Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on June 3, 2011, informing applicant that the specification and filing fee were missing. The Notice set a two (2) month period for reply.

Petitioner is advised that if it was petitioner's intent to file a new provisional application, petitioner must reply to any outstanding Notices in order to avoid termination of proceedings.

Inappropriateness of revival

In this instance, while the Office assigned the petition and Electronic Patent Application Fee Transmittal an application number, the application papers were never accorded a filing date, and no filing fees were submitted. There has been no abandonment of this application, and therefore no application to revive.

Office records

A review of Office records reveals that a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

Regarding the filing of the present petition, identifying application no. 61/245543, filed September 24, 2009, Petitioner is advised that EFS-Web for unregistered e-filers and EFS-Web Contingency Option permit users to sign on as unregistered EFS-Web users to file new applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, requests for reexamination and certain petitions, *but not other follow-on documents and follow-on fee payments filed after the initial submission of the application or reexamination request (e.g., amendments and replies to Office actions).* (Emphasis supplied).

The MPEP 502.02(a) cautions that

> [w]ith the limited functionality of EFS-Web for unregistered e-filers and EFS-Web Contingency Option, *some users may attempt to file follow-on documents as new applications*, and then later request the USPTO to move the documents to the appropriate application. When applicant improperly files a follow-on document as a new application via EFS-Web Contingency Option (or EFS-Web) and requests the USPTO to move the follow-on document to the appropriate application, a petition under 37 CFR 1.182 accompanied by the petition fee will be required in the appropriate application. Upon granting such a petition, the follow-on document will be entered into the file of the appropriate application and the document will be accorded a receipt date, the date the follow-on document was received at the USPTO. See 37 CFR 1.6(a)(4). Once the follow-on document is moved to the appropriate application, the USPTO will eliminate the new application, and thus applicant should not use the application number for the new application for any subsequent communications

In this instance, petitioner may have attempted to file, via EFS-Web, a follow-on document in application no. 61/245,543, to wit – the present petition, and inadvertently filed the petition as a

new application. As noted above, a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

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

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Cosmic Descent, LLC.
Box 1624
Vernon CT 06066

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JUN 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Les Okrasa	:	
Application No. 61/478855	:	DECISION
Filing or 371(c) Date: 00/00/0000	:	ON PETITION
Title of Invention:	:	
CONNECTIONS	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed April 25, 2011.

This Petition is hereby **dismissed as inappropriate**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The present petition was deposited via the Electronic Filing System, and identified application no. 61/245543, filed September 24, 2009. Applicant also filed an Electronic Patent Application Fee Transmittal; however, no petition fee or filing fees were deposited with the petition.

The Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on May 18, 2011, informing applicant that the specification and filing fee were missing.

Application status

It is noted that the Electronic Patent Application Fee Transmittal contains a title different than that listed on the petition. Petitioner is advised that the Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on May 18, 2011, informing applicant that the specification and filing fee were missing. The Notice set a two (2) month period for reply.

Petitioner is advised that if it was petitioner's intent to file a new application, petitioner must reply to any outstanding Notices in order to avoid termination of proceedings.

Inappropriateness of revival

In this instance, while the Office assigned the petition and Electronic Patent Application Fee Transmittal an application number, the application papers were never accorded a filing date, and no filing fees were submitted. There has been no abandonment of this application, and therefore no application to revive.

Office records

A review of Office records reveals that a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

Regarding the filing of the present petition, identifying application no. 61/245543, filed September 24, 2009, Petitioner is advised that EFS-Web for unregistered e-filers and EFS-Web Contingency Option permit users to sign on as unregistered EFS-Web users to file new applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, requests for reexamination and certain petitions, *but not other follow-on documents and follow-on fee payments filed after the initial submission of the application or reexamination request (e.g., amendments and replies to Office actions).* (Emphasis supplied).

The MPEP 502.02(a) cautions that

> [w]ith the limited functionality of EFS-Web for unregistered e-filers and EFS-Web Contingency Option, *some users may attempt to file follow-on documents as new applications*, and then later request the USPTO to move the documents to the appropriate application. When applicant improperly files a follow-on document as a new application via EFS-Web Contingency Option (or EFS-Web) and requests the USPTO to move the follow-on document to the appropriate application, a petition under 37 CFR 1.182 accompanied by the petition fee will be required in the appropriate application. Upon granting such a petition, the follow-on document will be entered into the file of the appropriate application and the document will be accorded a receipt date, the date the follow-on document was received at the USPTO. See 37 CFR 1.6(a)(4). Once the follow-on document is moved to the appropriate application, the USPTO will eliminate the new application, and thus applicant should not use the application number for the new application for any subsequent communications

In this instance, petitioner may have attempted to file, via EFS-Web, a follow-on document in application no. 61/245,543, to wit – the present petition, and inadvertently filed the petition as a new application. As noted above, a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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OFFICE OF PETITIONS

In re Application of	:	
Les Okrasa	:	
Application No. 61/478858	:	DECISION
Filing or 371(c) Date: 00/00/0000	:	ON PETITION
Title of Invention:	:	
ELECTRIC CONTINUANCE	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed April 25, 2011.

This Petition is hereby **dismissed as inappropriate**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The present petition was deposited via the Electronic Filing System, and identified application no. 61/245543, filed September 24, 2009. Applicant also filed an Electronic Patent Application Fee Transmittal; however, no petition fee or filing fees were deposited with the petition.

The Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on May 20, 2011, informing applicant that the specification and filing fee were missing.

Application status

It is noted that the Electronic Patent Application Fee Transmittal contains a title different than that listed on the petition. Petitioner is advised that the Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on May 20, 2011, informing applicant that the specification and filing fee were missing. The Notice set a two (2) month period for reply.

Petitioner is advised that if it was petitioner's intent to file a new application, petitioner must reply to any outstanding Notices in order to avoid termination of proceedings.

Inappropriateness of revival

In this instance, while the Office assigned the petition and Electronic Patent Application Fee Transmittal an application number, the application papers were never accorded a filing date, and no filing fees were submitted. There has been no abandonment of this application, and therefore no application to revive.

Office records

A review of Office records reveals that a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

Regarding the filing of the present petition, identifying application no. 61/245543, filed September 24, 2009, Petitioner is advised that EFS-Web for unregistered e-filers and EFS-Web Contingency Option permit users to sign on as unregistered EFS-Web users to file new applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, requests for reexamination and certain petitions, *but not other follow-on documents and follow-on fee payments filed after the initial submission of the application or reexamination request (e.g., amendments and replies to Office actions).* (Emphasis supplied).

The MPEP 502.029a) cautions that

> [w]ith the limited functionality of EFS-Web for unregistered e-filers and EFS-Web Contingency Option, *some users may attempt to file follow-on documents as new applications*, and then later request the USPTO to move the documents to the appropriate application. When applicant improperly files a follow-on document as a new application via EFS-Web Contingency Option (or EFS-Web) and requests the USPTO to move the follow-on document to the appropriate application, a petition under 37 CFR 1.182 accompanied by the petition fee will be required in the appropriate application. Upon granting such a petition, the follow-on document will be entered into the file of the appropriate application and the document will be accorded a receipt date, the date the follow-on document was received at the USPTO. See 37 CFR 1.6(a)(4). Once the follow-on document is moved to the appropriate application, the USPTO will eliminate the new application, and thus applicant should not use the application number for the new application for any subsequent communications

In this instance, petitioner may have attempted to file, via EFS-Web, a follow-on document in application no. 61/245,543, to wit – the present petition, and inadvertently filed the petition as a new application. As noted above, a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

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

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By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

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

/DLW/

Derek L. Woods
Attorney
Office of 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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JUN 09 2011

OFFICE OF PETITIONS

In re Application of :
Les Okrasa :
Application No. 61/478860 : DECISION
Filing or 371(c) Date: 00/00/0000 : ON PETITION
Title of Invention: :
COSM ENTERTAINMENT SYSTEM 2 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed April 25, 2011.

This Petition is hereby **dismissed as inappropriate**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The present petition was deposited via the Electronic Filing System, and identified application no. 61/245543, filed September 24, 2009. Applicant also filed an Electronic Patent Application Fee Transmittal; however, no petition fee or filing fees were deposited with the petition.

The Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on May 20, 2011, informing applicant that the specification and filing fee were missing.

Application status

It is noted that the Electronic Patent Application Fee Transmittal contains a title different than that listed on the petition. Petitioner is advised that the Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on May 20, 2011, informing applicant that the specification and filing fee were missing. The Notice set a two (2) month period for reply.

Petitioner is advised that if it was petitioner's intent to file a new application, petitioner must reply to any outstanding Notices in order to avoid termination of proceedings.

Inappropriateness of revival

In this instance, while the Office assigned the petition and Electronic Patent Application Fee Transmittal an application number, the application papers were never accorded a filing date, and no filing fees were submitted. There has been no abandonment of this application, and therefore no application to revive.

Office records

A review of Office records reveals that a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

Regarding the filing of the present petition, identifying application no. 61/245543, filed September 24, 2009, Petitioner is advised that EFS-Web for unregistered e-filers and EFS-Web Contingency Option permit users to sign on as unregistered EFS-Web users to file new applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, requests for reexamination and certain petitions, *but not other follow-on documents and follow-on fee payments filed after the initial submission of the application or reexamination request (e.g., amendments and replies to Office actions).* (Emphasis supplied).

The MPEP 502.02(a) cautions that

> [w]ith the limited functionality of EFS-Web for unregistered e-filers and EFS-Web Contingency Option, *some users may attempt to file follow-on documents as new applications*, and then later request the USPTO to move the documents to the appropriate application. When applicant improperly files a follow-on document as a new application via EFS-Web Contingency Option (or EFS-Web) and requests the USPTO to move the follow-on document to the appropriate application, a petition under 37 CFR 1.182 accompanied by the petition fee will be required in the appropriate application. Upon granting such a petition, the follow-on document will be entered into the file of the appropriate application and the document will be accorded a receipt date, the date the follow-on document was received at the USPTO. See 37 CFR 1.6(a)(4). Once the follow-on document is moved to the appropriate application, the USPTO will eliminate the new application, and thus applicant should not use the application number for the new application for any subsequent communications

In this instance, petitioner may have attempted to file, via EFS-Web, a follow-on document in application no. 61/245,543, to wit – the present petition, and inadvertently filed the petition as a new application. As noted above, a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

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

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401 Dulany Street
Alexandria, VA 22314

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Box 1624
Vernon CT 06066

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JUN 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Les Okrasa	:	
Application No. 61/478865	:	DECISION
Filing or 371(c) Date: 00/00/0000	:	ON PETITION
Title of Invention:	:	
REMOTE ACCESS	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed April 25, 2011.

This Petition is hereby **dismissed as inappropriate**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The present petition was deposited via the Electronic Filing System, and identified application no. 61/245543, filed September 24, 2009. Applicant also filed an Electronic Patent Application Fee Transmittal; however, no petition fee or filing fees were deposited with the petition.

The Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on May 20, 2011, informing applicant that the specification and filing fee were missing.

Application status

It is noted that the Electronic Patent Application Fee Transmittal contains a title different than that listed on the petition. Petitioner is advised that the Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on May 20, 2011, informing applicant that the specification and filing fee were missing. The Notice set a two (2) month period for reply.

Petitioner is advised that if it was petitioner's intent to file a new application, petitioner must reply to any outstanding Notices in order to avoid termination of proceedings.

Inappropriateness of revival

In this instance, while the Office assigned the petition and Electronic Patent Application Fee Transmittal an application number, the application papers were never accorded a filing date, and no filing fees were submitted. There has been no abandonment of this application, and therefore no application to revive.

Office records

A review of Office records reveals that a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

Regarding the filing of the present petition, identifying application no. 61/245543, filed September 24, 2009, Petitioner is advised that EFS-Web for unregistered e-filers and EFS-Web Contingency Option permit users to sign on as unregistered EFS-Web users to file new applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, requests for reexamination and certain petitions, *but not other follow-on documents and follow-on fee payments filed after the initial submission of the application or reexamination request (e.g., amendments and replies to Office actions).* (Emphasis supplied).

The MPEP 502.02(a) cautions that

> [w]ith the limited functionality of EFS-Web for unregistered e-filers and EFS-Web Contingency Option, *some users may attempt to file follow-on documents as new applications*, and then later request the USPTO to move the documents to the appropriate application. When applicant improperly files a follow-on document as a new application via EFS-Web Contingency Option (or EFS-Web) and requests the USPTO to move the follow-on document to the appropriate application, a petition under 37 CFR 1.182 accompanied by the petition fee will be required in the appropriate application. Upon granting such a petition, the follow-on document will be entered into the file of the appropriate application and the document will be accorded a receipt date, the date the follow-on document was received at the USPTO. See 37 CFR 1.6(a)(4). Once the follow-on document is moved to the appropriate application, the USPTO will eliminate the new application, and thus applicant should not use the application number for the new application for any subsequent communications

In this instance, petitioner may have attempted to file, via EFS-Web, a follow-on document in application no. 61/245,543, to wit – the present petition, and inadvertently filed the petition as a new application. As noted above, a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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/DLW/

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JUN 09 2011

OFFICE OF PETITIONS

In re Application of :
Les Okrasa :
Application No. 61/478868 : DECISION
Filing or 371(c) Date: 00/00/0000 : ON PETITION
Title of Invention: :
OUT FACTOR :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed April 25, 2011.

This Petition is hereby **dismissed as inappropriate**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The present petition was deposited via the Electronic Filing System, and identified application no. 61/245543, filed September 24, 2009. Applicant also filed an Electronic Patent Application Fee Transmittal; however, no petition fee or filing fees were deposited with the petition.

The Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on May 20, 2011, informing applicant that the specification and filing fee were missing.

Application status

It is noted that the Electronic Patent Application Fee Transmittal contains a title different than that listed on the petition. Petitioner is advised that the Office assigned a new application number to the application papers, and mailed a Notice of Incomplete Provisional Application on May 20, 2011, informing applicant that the specification and filing fee were missing. The Notice set a two (2) month period for reply.

Petitioner is advised that if it was petitioner's intent to file a new application, petitioner must reply to any outstanding Notices in order to avoid termination of proceedings.

Inappropriateness of revival

In this instance, while the Office assigned the petition and Electronic Patent Application Fee Transmittal an application number, the application papers were never accorded a filing date, and no filing fees were submitted. There has been no abandonment of this application, and therefore no application to revive.

Office records

A review of Office records reveals that a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

Regarding the filing of the present petition, identifying application no. 61/245543, filed September 24, 2009, Petitioner is advised that EFS-Web for unregistered e-filers and EFS-Web Contingency Option permit users to sign on as unregistered EFS-Web users to file new applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, requests for reexamination and certain petitions, *but not other follow-on documents and follow-on fee payments filed after the initial submission of the application or reexamination request (e.g., amendments and replies to Office actions).* (Emphasis supplied).

The MPEP 502.02(a) cautions that

> [w]ith the limited functionality of EFS-Web for unregistered e-filers and EFS-Web Contingency Option, *some users may attempt to file follow-on documents as new applications*, and then later request the USPTO to move the documents to the appropriate application. When applicant improperly files a follow-on document as a new application via EFS-Web Contingency Option (or EFS-Web) and requests the USPTO to move the follow-on document to the appropriate application, a petition under 37 CFR 1.182 accompanied by the petition fee will be required in the appropriate application. Upon granting such a petition, the follow-on document will be entered into the file of the appropriate application and the document will be accorded a receipt date, the date the follow-on document was received at the USPTO. See 37 CFR 1.6(a)(4). Once the follow-on document is moved to the appropriate application, the USPTO will eliminate the new application, and thus applicant should not use the application number for the new application for any subsequent communications

In this instance, petitioner may have attempted to file, via EFS-Web, a follow-on document in application no. 61/245,543, to wit – the present petition, and inadvertently filed the petition as a new application. As noted above, a petition under 37 CFR 1.137(a) was filed in application no. 61/245543, on April 25, 2011, and a Decision on the petition was mailed on May 20, 2011.

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

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By hand: Customer Service Window
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Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
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Office of Petitions

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AUG 30 2011

OFFICE OF PETITIONS

In re Application of :
Les Okrasa :
Application No. 61/478,869 : DECISION ON PETITION
Filed: April 25, 2011 :
Attorney Docket No. :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed April 25, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $540. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

Petitioner has not submitted the required fee or authorization to charge any fee deficiencies to a deposit account. The payment of the required petition fee in full is a prerequisite to the filing of a petition to revive pursuant to 37 CFR 1.137. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature. *See* MPEP 711.03(c)(II)(B), which sets forth, in to:

> 35 U.S.C. 41(a)(7) provides that a petition for revival of an unintentionally abandoned or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), **the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.**

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this diction are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

The phrase "unless the petition is filed under [35 U.S.C.] 133 OR 151" signifies that petition to revive filed on the basis of "unavoidable" delay (under 35 U.S.C. 133 or 151) are a subset of petitions to revive filed on the basis of unintentional delay. That is, "unavoidable" delay and "unintentional" delay is the epitome of "unintentional" delay. Any petition to revive an abandoned application or lapsed patent must meet the minimal "unintentional" delay threshold, and an applicant need only pay the fee specified in 37 CFR 1.17(l) (rather than the fee specified in 37 CFR 1.17(m)) if the petition is also accompanied by an adequate showing that the entire delay in 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.

The petition in the above-identified application was **not** accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

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.

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

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401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this matter may be directed to the April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred back to the Office of Patent Application Processing to await a reply to the outstanding Notice of Incomplete Application mailed May 20, 2011.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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AUG 30 2011

OFFICE OF PETITIONS

In re Application of :
Les Okrasa :
Application No. 61/478,870 : DECISION ON PETITION
Filed: April 25, 2011 :
Attorney Docket No. :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed April 25, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $540. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

Petitioner has not submitted the required fee or authorization to charge any fee deficiencies to a deposit account. The payment of the required petition fee in full is a prerequisite to the filing of a petition to revive pursuant to 37 CFR 1.137. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature. *See* MPEP 711.03(c)(II)(B), which sets forth, in to:

> 35 U.S.C. 41(a)(7) provides that a petition for revival of an unintentionally abandoned or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), **the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.**

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this diction are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

The phrase "unless the petition is filed under [35 U.S.C.] 133 OR 151" signifies that petition to revive filed on the basis of "unavoidable" delay (under 35 U.S.C. 133 or 151) are a subset of petitions to revive filed on the basis of unintentional delay. That is, "unavoidable" delay and "unintentional" delay is the epitome of "unintentional" delay. Any petition to revive an abandoned application or lapsed patent must meet the minimal "unintentional" delay threshold, and an applicant need only pay the fee specified in 37 CFR 1.17(l) (rather than the fee specified in 37 CFR 1.17(m)) if the petition is also accompanied by an adequate showing that the entire delay in 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.

The petition in the above-identified application was **not** accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

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.

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

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Telephone inquiries concerning this matter may be directed to the April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred back to the Office of Patent Application Processing to await a reply to the outstanding Notice of Incomplete Application mailed May 20, 2011.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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VERNON, CT 06066

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AUG 30 2011

OFFICE OF PETITIONS

In re Application of :
Les Okrasa :
Application No. 61/478,876 : DECISION ON PETITION
Filed: April 25, 2011 :
Attorney Docket No. :

This is a decision on the petition filed in the above-identified application.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $540. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

Petitioner has not submitted the required fee or authorization to charge any fee deficiencies to a deposit account. The payment of the required petition fee in full is a prerequisite to the filing of a petition to revive pursuant to 37 CFR 1.137. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature. *See* MPEP 711.03(c)(II)(B), which sets forth, in to:

> 35 U.S.C. 41(a)(7) provides that a petition for revival of an unintentionally abandoned or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), **the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.**

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this diction are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

The phrase "unless the petition is filed under [35 U.S.C.] 133 OR 151" signifies that petition to revive filed on the basis of "unavoidable" delay (under 35 U.S.C. 133 or 151) are a subset of petitions to revive filed on the basis of unintentional delay. That is, "unavoidable" delay and "unintentional" delay is the epitome of "unintentional" delay. Any petition to revive an abandoned application or lapsed patent must meet the minimal "unintentional" delay threshold, and an applicant need only pay the fee specified in 37 CFR 1.17(l) (rather than the fee specified in 37 CFR 1.17(m)) if the petition is also accompanied by an adequate showing that the entire delay in 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.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

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.

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

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By fax:
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ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred back to the Office of Patent Application Processing to await a reply to the outstanding Notice of Incomplete Application mailed May 23, 2011.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BOBBY WALLING
2101 PINE HEIGHTS DR
ATLANTA GA 30324

MAILED

APR 17 2012

OFFICE OF PETITIONS

In re Application of :
Robert Richard Walling III :
Application No. 61/478,908 : DECISION ON PETITION
Filed: April 25, 2011 :
Title: Automatic Notification :
Setting Adjuster :

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed March 22, 2012.

The petition is **DISMISSED.**

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

Petitioner has not submitted the petition fee in full, and as such, the petition will not be considered on the merits. Effective September 26, 2011, the fee for a petition to revive under 37 CFR 1.137(b) was increased to $930. Petitioner submitted $810. No authorization to charge any additional fees to a deposit account was present. Accordingly, before the petition can be considered on the merits, petitioner must submit the balance due of $120.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of
Nguyen et al.
Application No.61/479,338
Filed: April 26, 2011
Attorney Dkt. 0321.103463
For: INTEGRATED SENSE DEVICES AND SYSTEMS INCLUDING TOUCH

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 1, 2012, 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 May 24, 2011. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 25, 2011. A Notice of Abandonment was mailed February 2, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an application data sheet and $25 surcharge, (2) the petition fee of $930.00, and (3) a proper statement of unintentional delay.

Petitioner is reminded subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

This application is being referred to the Office of Patent Application Processing for further processing.

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

/Charlema Grant/

Charlema Grant
Attorney Advisor
Office of Petitions

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SUITE 350
FORT LAUDERDALE FL 33309

In re Application of :
David I. Weiss :
Application No. 61/480,624 : DECISION ON PETITION
Filed: April 29, 2011 :
Attorney Docket No. Weiss :

This is in response to the "PETITION TO FILE OMITTED ITEMS", filed July 6, 2011, to accord the above-identified application a filing date of April 29, 2011, with Figures 3 and 4 of the drawings as part of the original disclosure.

The petition is **DISMISSED**.

The application was deposited on April 29, 2011 However, on May 10, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Provisional Application". The Notice informed Applicant that the application had been accorded a filing date; however, Figures 3, 4, 7A and 7B of the drawings appeared to have been omitted.

The Notice presented Applicant with two options. The first option was based upon a contention that the drawing figures were present on filing, and in that instance Applicants were allowed to promptly file proof that the drawings were present on filing. The second option was for Applicant to do nothing, which, Applicant was informed, would be treated as constructive acceptance by the Applicants of the application as-filed (without drawing Figures 3, 4, 7A and 7B).

Applicant has filed Figures 3 and 4, and requested that these inadvertently omitted figures be included in his provisional application.

There is no option of amending the provisional application. Amendments to provisional applications may not be entered.[1]

Figures 3 and 4 will remain in the application file, but will not be entered.

With respect to Figures 7A and 7B, it is obvious from the petition that these figures were not actually missing on April 29, 2011. Rather, the figures were present, contained in the lower left hand corner of the drawing sheet containing Figure 6.

The matter is being forwarded to the Office of Initial Patent Examination for processing, using the application papers filed on April 29, 2011, and for indication in Office records that four (4) sheets of drawings were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See 37 CFR 1.121(k).

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CALERA CORPORATION
ERIC WITT
14600 WINCHESTER BLVD.
LOS GATOS CA 95032

MAILED
JUN 29 2011
OFFICE OF PETITIONS

In re Application of
Ryan J. Gilliam et al
Application No. 61/481,573
Filed: May 2, 2011
Attorney Docket No. CLRA-053PRV2

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed June 17, 2011.

The request is **DISMISSED**.

The request for refund is dismissed because USPTO regulations require that papers filed in the application be signed by a registered attorney or agent, by the applicants (inventors) or by the assignee of the entire interest who has taken action in the application in accordance with 37 CFR 3.71. The request for refund is not signed. Note 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.

Additionally, applicant is encouraged to note the below regarding the filing of an unintended duplicate filing via EFS-Web:

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

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

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CALERA CORPORATION
ERIC WITT
14600 WINCHESTER BLVD.
LOS GATOS CA 95032

MAILED

JUL 19 2011

OFFICE OF PETITIONS

In re Application of :
Ryan J. Gilliam et al :
Application No. 61/481,573 : DECISION ON PETITION
Filed: May 2, 2011 :
Attorney Docket No. CLRA-053PRV2 :

This is a decision on the request filed July 11, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

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(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks items (1), (3), (5) and (6) above.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 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-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEN CAMPBELL
P.O. BOX 1381
DENVER CO 80132

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of
Janan Nicole Allen
Application No. 61/481,930
Filed: May 3, 2011
For: KUFF KLIP

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed May 16, 2011.

The request is **DISMISSED**.

Applicant files the above request and states that " . ... The e-filing data (and the filing receipt) inadvertently includes the legal representative as the inventor. The payment should be credited to the same charge card.

A corrected filing containing the appropriate information was submitted and charged at a later time on the same day."

Applicant is encouraged to note MPEP 607.02 which states:

When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is **not** a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).

37 CFR 1.26(a) also provides that a change of purpose after the payment of a fee, as when a party desires to withdraw the filing of a patent application for which the fee was paid, will not entitle the party to a refund of such fee.

The Office is not clear as to whether applicant is implying that the filing fee ($110.00) was charged twice to the above application. A review of Office records show that the filing fee ($110.00) was only charged once to the above application.

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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KEN CAMPBELL
P.O. BOX 1381
DENVER CO 80132

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of
Janan Nicole Allen
Application No. 61/481,950
Filed: May 3, 2011
For: KUFF KLIP

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed May 16, 2011.

The request is **DISMISSED**.

Applicant files the above request and states that ". ... As the e-filer, I had backed out of the "charge credit card" screen to correct the billing address (I hit the "back" button on the browser). When I did that, the system directed me to the filing receipt screen. I had reasonably assumed that the card had not been charged, since I did not take the designated action to do so. Later I found that the card had in fact been charged, to my disappointment.

. ... A corrected filing containing the appropriate information was submitted and charged at a later time on the same day."

Applicant is encouraged to note MPEP 607.02 which states:

When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is **not** a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).

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The Office is not clear as to whether applicant is implying that the filing fee ($110.00) was charged twice to the above application. A review of Office records show that the filing fee ($110.00) was only charged once in the above application.

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
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Alexandria, VA 22313-1450
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ADELI & TOLLEN, LLP
11940 SAN VICENTE BLVD., SUITE 100
LOS ANGELES CA 90049

MAILED
DEC 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Koponen et al.	:	
Application No. 61/482,616	:	DECISION ON PETITION
Filed: May 4, 2011	:	
Attorney Docket No. NCRA.P0016P	:	

This is a decision on the petition under 37 CFR 1.182, filed, November 16, 2011, to change the name of inventor "Andrew Walter Lambeth" to – Walter Andrew Lambeth –.

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.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/482,616	05/04/2011		270	NCRA.P0016P		

CONFIRMATION NO. 4383

CORRECTED FILING RECEIPT

48947
ADELI & TOLLEN, LLP
11940 San Vicente Blvd., Suite 100
LOS ANGELES, CA 90049

Date Mailed: 12/08/2011

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)

Teemu Koponen, San Francisco, CA;
Martin Casado, Portola Valley, CA;
Pankaj Thakkar, Santa Clara, CA;
Alexander Yip, Menlo Park, CA;
Walter Andrew Lambeth, San Mateo, CA;
Jeremy Stribling, San Francisco, CA;

Power of Attorney:
Mani Adeli--39585

If Required, Foreign Filing License Granted: 05/24/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/482,616**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

METHOD AND APPARATUS FOR DEFINING AND CONTROLLING LOGICAL DATA PATH SETS

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international

application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national

security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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UNITED STATES PATENT AND TRADEMARK OFFICE

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

MAILED
JUL 13 2011
OFFICE OF PETITIONS

In re Application of :
Awerbuch et al. :
Application No. 61/484,217 : ON PETITION
Filed: May 9, 2011 :
Attorney Docket No. DXU-0379 :

This is a decision on the renewed petition under 37 C.F.R. § 1.182, filed June 15, 2011, to change the name of an inventor.

The petition is **GRANTED**.

The name will be changed from "Scott Goehringer" to --William Scott Goehringer. --.

Additionally, petitioner has submitted $130.00 towards the required $400.00 petition fee, thus creating a $270.00 shortage. This amount has been charged to petitioner's deposit account as authorized June 15, 2011.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/484,217	05/09/2011		490	DXU-0379		

CONFIRMATION NO. 1376

CORRECTED FILING RECEIPT

23377
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Date Mailed: 07/12/2011

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)

Jonathan Awerbuch, Media, PA;
Tein-Min Tan, Marlton, NJ;
Adam C. Carlson, Annandale, VA;
William Scott Goehringer, Lutherville, MD;
Clayton Powers, Johnstown, PA;
Jordan H. Shenk, Branchport, NY;
David M. Snyder, York, PA;
Marnus G. van Zyl, Chadds Ford, PA;

Power of Attorney: The patent practitioners associated with Customer Number 23377

If Required, Foreign Filing License Granted: 05/27/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/484,217**

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

Non-Publication Request: No

Early Publication Request: No

Title

SEMI-AUTONOMOUS RESCUE APPARATUS

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.

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Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN RYZNIC
FLORIDA TURBINE TECHNOLOGIES, INC.
1701 MILITARY TRAIL, SUITE 110
JUPITER, FL 33458-7887

MAILED
AUG 10 2011
OFFICE OF PETITIONS

In re Application of :
Jack W. Wilson, Jr., et. al. :
Application No. 61/485,278 : DECISION GRANTNG PETITION
Filed: May 12, 2011 :
Attorney Docket No. JR-JW101P :

This is a decision on the petition filed July 1, 2011, requesting that the above-identified provisional application be accorded a filing date of May 12, 2011.

The application was deposited on May 12, 2011. However, on June 15, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (Notice) requiring drawings and stating that the filing date of the application would be the date of receipt of the omitted drawings.

In response, on July 1, 2011, the present petition was filed. Petitioner states that "The present application is a provisional application. As such, it is used to obtain a filing date for the subject matter that is disclosed within. A drawing at this time would not add any additional matter for the invention since the invention is in the specific material." Accordingly, since drawings are not necessary for an understanding of the invention, the petition is **granted**.

In view of the above, the $400 petition fee will be credited to petitioner's deposit account.

This application file is being referred to the Office of Patent Application Processing for further **processing with a filing date of May 12, 2011**.

Telephone inquiries concerning this matter may be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucei
Petitions Examiner

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

CAPITOL PATENT
& TRADEMARK LAW FIRM, PLLC
P.O. BOX 1995
VIENNA VA 22183

MAILED

AUG 26 2011

OFFICE OF PETITIONS

In re Application of :
Cordes, et al. :
Application No. 61/485,606 : DECISION
Filed/Deposited: 12 May, 2011 :
Attorney Docket No. 3034-003 :

This is a decision on the petition filed on 19 August, 2011, pursuant to 37 C.F.R. §1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

The instant application was deposited on 12 May, 2011.

On 20 June, 2011, the Office mailed a Notice of Omitted Items (*inter alia*, drawings FIGS 11-15c), indicating therein that the application had been accorded a filing date, but without drawings FIGS 11-15c.

OPAP set a two- (2-) month period for reply.

On 19 August, 2011, Petitioner John Curtin (reg. No. 37,602), submitted, *inter alia*, drawing FIGS. 11-15c and averred their presence on deposit on 12 May, 2011—and in support of that averment submitted an Electronic Acknowledgement Receipt of that date reflecting several sets of files containing drawings, however, the file designated as drawings FIGS. 11-15c contained only 714 bytes of data, and thus was empty/blank.

It appears that the request of Petitioner for a filing date of 12 May, 2011, previously was granted—however, that date does not and cannot include drawing FIGS. 11-15c.

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 petition is **dismissed**; the fee is not waived in that it does not appear that Office error did not prompt this petition.

The application is released to the Office of Patent Application Processing (OPAP) for such processing as required herein 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. §1.2[2]) 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. §11.18, formerly §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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Aug-11

MAILED
AUG 02 2011
OFFICE OF PETITIONS

JOHNS HOPKINS TECHNOLOGY TRANSFER
100 N. CHARLES ST.
5TH FLOOR
BALTIMORE MD 21201

In re Application of :
Guggino et al. :
Application No. 61/485,824 : ON PETITION
Filed: May 13, 2011 :
Atty Docket No. **P11564-01** :

This is a decision on the "PETITION UNDER 37 CFR 1.53(e)," filed on July 22, 2011, which is treated as a petition under 37 CFR 1.182 requesting that the above-identified provisional application, without drawings, be accorded a filing date of May 13, 2011.

The petition is **GRANTED**.

The application was filed on May 13, 2011, without drawings. Accordingly, on May 23, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings. The Notice allowed a period for reply of two-months from its mailing date.

On July 22, 2011, the present petition was filed. Petitioners concede that the application was filed without drawings, but argue that the drawings are not necessary to understand the invention claimed and that the subject matter of the application would have been understood to a person having ordinary skill in the art even without those drawings.

MPEP § 601.01(f) states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but

> filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

The arguments in the petition will be construed to mean that petitioner's counsel is asserting that drawings are not necessary for a filing date in this application. Drawings will not be further considered as a part of this case.

In view of the above, the "Notice" mailed May 23, 2011, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of May 13, 2011, without drawings as a part of the original disclosure.

No petition fee is due. The petition fee of $400.00 will be refunded in due course.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to May 13, 2011.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3222.

/Kenya A. Mclaughlin/

Kenya 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

THE LAW OFFICE OF CHARLENA THORPE INC
C/O CHARLENA THORPE
PO BOX 1601
SUWANEE GA 30024

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of :
Zaghloul, et al. :
Application No. 61/485,963 : ON PETITION
Filed: May 13, 2011 :
Attorney Docket No. Yasser05 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed January 3, 2012.

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)." No additional petition fee is due on 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 a reply to the Notice to File Missing Parts, mailed May 24, 2011. This Notice set an extendable period for reply of two (2) months for applicants to submit the provisional application filing fee and the surcharge for its late filing. No reply having been received, the application became abandoned on July 25, 2011. The mailing of this decision precedes the mailing of a Notice of Abandonment.

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 pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition has not met requirement (1) above. Petitioner has not submitted the surcharge for late submission of the filing fee. No authorization to charge any additional required fees to a deposit account could be found.

Accordingly, on renewed petition petitioner must submit the surcharge for late submission of the filing fee.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE LAW OFFICE OF CHARLENA THORPE INC
C/O CHARLENA THORPE
PO BOX 1601
SUWANEE GA 30024

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of :
Zaghloul, et al. :
Application No. 61/485,963 : ON PETITION
Filed: May 13, 2011 :
Attorney Docket No. Yasser05 :

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed February 2, 2012.

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

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Missing Parts, mailed May 24, 2011. This Notice set an extendable period for reply of two (2) months for applicants to submit the provisional application filing fee and the surcharge for its late filing. No reply having been received, the application became abandoned on July 25, 2011. Applicants filed a petition to revive under 37 CFR 1.137(b) on January 3, 2012. However, the petition was dismissed in a decision mailed on January 31, 2012. The petition was dismissed because while petitioner submitted the provisional application filing fee, petitioner did not submit the surcharge.

With the instant petition, petitioner has submitted the $25 surcharge for late submission of the provisional application filing fee. The other requirements for a grantable petition were previously satisfied with the petition filed on May 13, 2011.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Vedder Price P.C.
1633 Broadway, 47th Floor
new york NY 10019

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Application of :
Johannes Peturs Antonius Jansen et al. :
Application No. 61/486,037 : DECISION ON PETITION
Filed: May 13, 2011 :
Attorney Docket No. **43104.00.2041** :

This is a decision on the petition under 37 CFR 1.182, filed, October 24, 2011, change the name of inventors "Jan Jansen" to -- Johannes Petrus Antonius Jansen --; "Linda Roosenboom-Kooijman" to -- Maria Helena Roosenboom-Kooijmans --; and "Wim van Vliet" to –Willem van Vliet--.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, 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.

Telephone inquiries concerning this decision may be directed to the JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Patent Application Processing (OPAP) 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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/486,037	05/13/2011		220	43104.00.2041		

CONFIRMATION NO. 7800

CORRECTED FILING RECEIPT

99562
Vedder Price P.C.
1633 Broadway, 47th Floor
new york, NY 10019

OC000000050812239

Date Mailed: 11/04/2011

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)

Johannes Petrus Antonius Jansen, Terheijden, NETHERLANDS;
Maria Helena Roosenboom-Kooijmans, Barendrecht, NETHERLANDS;
Willem van Vliet, Maassluis, NETHERLANDS;

Power of Attorney:
Deborah Lu--50940

If Required, Foreign Filing License Granted: 05/20/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/486,037**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

LETTUCE VARIETY 41-101 RZ

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

PAVEL ABUMOV
422 MARKET STREET
SANTA CRUZ CA 95060

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of
Pavel Abumov
Application No. 61/486,275
Filed: May 15, 2011
For: SYSTEM AND METHOD FOR ASSESSING SELECT AND SUPPLY RESPONSE IN EVALUATIONS

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed May 17, 2011.

The request is **DISMISSED**.

The request for refund is dismissed because USPTO regulations require that papers filed in the application be signed by a registered attorney or agent, by the applicants (inventors) or by the assignee of the entire interest who has taken action in the application in accordance with 37 CFR 3.71. The request for refund is not signed. Note 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.

Additionally, applicant is encouraged to note the below regarding the filing of an unintended duplicate filing via EFS-Web:

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to

withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

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

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PAVEL ABUMOV
422 MARKET STREET
SANTA CRUZ CA 95060

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of
Pavel Abumov
Application No. 61/486,275
Filed: May 15, 2011
For: SYSTEM AND METHOD FOR ASSESSING SELECT AND SUPPLY RESPONSE IN EVALUATIONS

DECISION ON PETITION

This is a decision on the request filed June 13, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web.

The Office has accepted petitioner's statement as an assertion that the duplicate application was filed by mistake. Accordingly, the filing fee of $110.00, submitted on May 15, 2011, has been credited to petitioner's credit card account as it is the method in which the fee was paid.

As no further action will be taken in this application, the request for refund of the filing fee is also being construed as a request to expressly abandon the above-mentioned application. Accordingly, this matter is being referred to the Office of Patent Publication for express abandonment of the subject application.

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

/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

MAILED
MAR 02 2012
OFFICE OF PETITIONS

Smith & Nephew, Inc.
Diana Houston
1450 Brooks Road
Memphis TN 38116

In re Application of :
Wilhelm et al. :
Application No. 61/486483 :
Filing or 371(c) Date: 05/16/2011 : ON PETITION
Attorney Docket Number: :
22415-0060P01 :

This decision is in response to the "Petition Under 37 C.F.R. § 1.182 for Correction of Intventor's Name in a Provisional Patent Applicaiton," filed January 20, 2012, requesting correction of the name of an inventor.

MPEP 201.03, Correction of Inventorship in an Application, provides

> (B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.[1]"

MPEP 605.04(b)

Applicant is further advised that

> Although 37 CFR 1.76 does not change the practice in MPEP § 201.03 and § 605.04(b) regarding correction of a typographical or transliteration error in the spelling of an inventor's name whereby all that is required is notification of the

[1] The fee for a petition under 37 CFR 1.182 is $400.00, effective December 8, 2004. The balance of the petition fee has been charged to Petitioner's deposit account as authorized in the fee transmittal filed with the application papers on November 17, 2007.

> error to the Office, the Office strongly encourages the filing of an application data sheet or a supplemental application data sheet to correct a typographical or transliteration error in the spelling of an inventor's name. A supplemental oath or declaration is not required. If applicant merely files a statement notifying the Office of the typographical or transliteration error in the spelling of an inventor's name without submitting an application data sheet or a supplemental application data sheet, 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 601.05

The petition is hereby **granted**.

The name of inventor Edward Gene Austin has been changed to Gene Edward Austin, and the name Gene Edward Austin has been entered and made of record in the above-identified application.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosures: 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
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/486,483	05/16/2011		220	22415-0060P01		

CONFIRMATION NO. 9399

CORRECTED FILING RECEIPT

26170
Smith & Nephew, Inc.
Diana Houston
1450 Brooks Road
Memphis, TN 38116

OC00000052838416

Date Mailed: 02/28/2012

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)

Hoa La Wilhelm, Arlington, TN;
Gene Edward Austin, Shelton, CT;

Power of Attorney:
Nicholas Jepsen--59567

If Required, Foreign Filing License Granted: 06/15/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/486,483**

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

Non-Publication Request: No

Early Publication Request: No

Title

MEASURING SKELETAL DISTRACTION

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OFFICE OF PETITIONS

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

In re Application of Awerbuch et al. :
Application No. 61/486,585 : Decision on Petition
Filing Date: May 16, 2011 :
Attorney Docket No. DXU-0386/11-1293D :

This is a decision on the "Request for Change in Name of Inventor" filed June 15, 2011, which is being treated as a petition under 37 CFR 1.182.

The petition is **granted**.

The cover sheet filed May 16, 2011, identifies the fourth inventor as Scott Goehringer.

The instant petition seeks to correct the fourth inventor's name to indicate the full name of the inventor is William Scott Goehringer.

MPEP 605.04(b) states,

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.

In view of MPEP 605.04(b), the instant request is being treated as a petition under 37 CFR 1.182.

The petition is hereby granted and the fourth inventor's name has been changed. A corrected filing receipt is enclosed.

The petition was submitted with a payment of $50. However, the fee for a petition under 37 CFR 1.182 is $400. Therefore, an additional $350 has been charged to Deposit Account No. 23-3050.

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

Enclosure: Corrected Filing Receipt

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COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGEPORT CT 06605-1601

In re Application of :
Cheng et al. :
Application No. 61/486,969 : DECISION ON PETITION
Filed: May 17, 2011 : PURSUANT TO
Attorney Docket No.: Y03-151PROV : 37 C.F.R. § 1.137(B)
Title: NOVEL NRTI WITH ANTI-HIV ACTIVITY: 4-ETHYNYL-2-DEOXY-4-THIOGUANOSINE :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed February 27, 2012, 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 May 26, 2011, 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 July 27, 2011. A notice of abandonment was mailed on February 3, 2012.

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.

With this petition, Petitioner has submitted the petition fee, a provisional application cover sheet along with the surcharge that is associated with the late submission of the same, and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

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.[2]

Paul Shanoski
Senior Attorney
Office of Petitions

1 See Rule 1.137(d).

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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Paper No.

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SEP 12 2011
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Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington DC 20006

In re Application of :
Wormser : DECISION ON PETITION
Application No. 61/487,035 : PURSUANT TO
Filed: May 17, 2011 : 37 C.F.R. § 1.182
Attorney Docket No. WORMSER=7 :
Title: PEPTIDES DERIVED FROM ORYZA :
SATIVA JAPONICA GROUP FOR TREATMENT:
OF TYPE I DIABETES :

This is a decision on the "PETITION UNDER 37 CFR §1.53(e)," filed on August 10, 2011, requesting that the above-referenced application be accorded a filing date of May 17, 2011. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182.

Application papers in the above-identified application were deposited on May 17, 2011. However, on June 17, 2011, the Office of Data Management mailed Applicant a "Notice of Incomplete Provisional Application," notifying Applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.[1]

In response, Applicant timely filed this petition, where it is asserted that drawings were not included when the application was filed.[2] Applicant has further included the petition fee.

Applicant's arguments and evidence have been considered. As Applicant has indicated, a review of the application confirms that as filed, the application contained at least one method claim. 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

[1] The electronic file has been reviewed, and there is no indication that drawings were provided on filing.
[2] Petition, page 2.

> is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to MPEP § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application. Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Provisional Application.

It follows that no petition is required.

To the extent the present petition requests a filing date of May 17, 2011 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee will be refunded to Applicant's credit card in due course.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- **correction of the filing date to May 17, 2011;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing, and;**
- **for issuance of a filing receipt.**

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[3]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

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CARR LLP
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS TX 75202

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AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
Booher :
Application Number: 61/488,084 :
Filing Date: 19 May, 2011 : ON PETITION
Attorney Docket No.: BOOH 4412000 :

This is a decision on the petition filed on 23 August, 2011, pursuant to 37 C.F.R §1.182; the petition seeks—in essence—waiver of application-size fees following Petitioner's deposit of an application containing what Petitioner identifies as 19 pages specification with two (2) "appendices" of 67 and 4,261 pages, respectively (and together some 4,328 pages), for a total of 4,347 pages deposited—whether providently or otherwise.

The petition as considered pursuant to 37 C.F.R §1.182 is **DISMISSED**.

A request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.182."

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

It appears that Petitioner failed to satisfy the showing requirements under the Rule by which relief was sought.

Application Number: 61/488,084

BACKGROUND

Following the deposit of the instant application on 19 May, 2011:

- On 23 June, 2011, the Office mailed a Notice of Missing Parts (fees due) (the 3 June, 2011, Notice) for the instant application as filed—to wit: 19 pages specification with two (2) "appendices" of 67 and 4,261 pages,[1] respectively (and together some 4,328 pages), for a total of 4,347 pages deposited; and

- The additional fees due stated by the Office were $8,640.00 for 3,160 pages in excess of 100 pages—see: 37 C.F.R. §1.16(s).

Reply was due to the 23 June, 2011, Notice (absent extension of time) on or before 23 August, 2011.

Petitioner replied with the instant petition on 23 August, 2011, and alleged therein that:

> ... no application size fee is owed for an appendix to the specification. It is our belief that an appendix to a specification is not normally printed in a U.S. patent publication and therefore an appendix to a specification should not be considered as part of "the specification and drawings" of an application for patent.[2]

Further, on submission of the instant 23 August, 2011, petition, Petitioner also stated:

> Applicant does not believe that any other fees are due; however, in the event that any fees are due, the Director hereby is authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 500605 of CARR LLP. (Emphasis supplied.)

The **Federal Register** announcement of fee changes, pursuant to statute, was made at 73 FR 47534 (14 August, 2008)—to wit:

> **Background:**
> *Statutory Provisions:* Patent fees are set by or under the authority provided in 35 U.S.C. 41, 119, 120, 132(b), 156, 157(a), 255, 302, 311, 376, section 532(a)(2) of the Uruguay Round Agreements Act (URAA) (Pub. L. 103–465, § 532(a)(2), 108 Stat. 4809, 4985 (1994)), and section 4506 of the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106–113, 113 Stat. 1501, 1501A–565 (1999)). For fees paid under 35 U.S.C. 41(a) and

[1] It is unclear whether Petitioner was aware that some of the pages submitted in the files electronically deposited appear to have contained little or no data.

[2] Petition of 23 August, 2011, at page 2.

> (b) and 132(b), independent inventors, small business concerns, and nonprofit organizations who meet the requirements of 35 U.S.C. 41(h)(1) are entitled to a fifty-percent reduction.
>
> Section 41(d) of title 35, United States Code, authorizes the Director to establish fees for all other processing, services, or materials related to patents to recover the average cost of providing these services or materials, except for the fees for recording a document affecting title, for each photocopy, for each black and white copy of a patent, and for standard library service.
>
> Section 41(f) of title 35, United States Code, provides that fee amounts established under 35 U.S.C. 41(a) and (b) may be adjusted on October 1, 1992, and every year thereafter, to reflect fluctuations in the CPI over the previous twelve months.
>
> Section 41(g) of title 35, United States Code, provides that new fee amounts established by the Director under 35 U.S.C. 41 may take effect thirty days after notice in the **Federal Register** and the *Official Gazette of the United States Patent and Trademark Office.*

Thereafter, at 73 FR 47540 the **Federal Register** Notice provided as to the applicable regulations at 37 C.F.R. §1.16(s):

> ***
>
> (s) Application size fee for any application under 35 U.S.C. 111 filed on or after December 8, 2004, the specification and drawings of which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof:
> By a small entity (§ 1.27(a)) $135.00
> By other than a small entity $270.00
>
> ***

The charges specified in this matter were of public record more than three years ago and effective more than 34 months ago.

Moreover, Petitioner, as one registered to practice before the Office, was (and is) aware that—contrary to Petitioner's averment, set forth above, the instant charge is unrelated to publication.

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.[3]

CONCLUSION

It appears that Petition failed to satisfy the showing required herein and further appears unable to do so.

Accordingly, the petition pursuant to 37 C.F.R §1.182 is **dismissed**.

The instant matter is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

[4] 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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AUG 16 2011

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FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

In re Application of :
Ramaker, et al. :
Application No. 61/488,439 : DECISION GRANTING PETITION
Filed: May 20, 2011 :
Attorney Docket No. **0119796/0577944** :

This is a decision on the petition filed July 29, 2011, requesting that the above-identified provisional application be accorded a filing date of May 20, 2011.

The application was deposited on May 20, 2011, with a provisional application cover letter and thirteen sheets of drawing. On June 21, 2011, the Office of Patent Application Processing mailed a Notice requiring a specification in compliance with 35 U.S.C. 112, first paragraph, and stating that the filing date would be the date of receipt of the omitted specification.

In response, on July 29, 2011, the present petition was filed. Petitioner argues the application is entitled to a filing date of May 20, 2011, because the title of the invention and the drawings are sufficient for one skilled in the art would be able to discern the invention.

On petition, the USPTO will take the drawings themselves as sufficient to satisfy the specification requirement for a provisional application, assuming the drawings are sufficient to provide "written description" support for some invention. In certain circumstances drawings alone may be sufficient to provide a written description of an invention as required by 35 U.S.C. 112. *Vas- Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991). Since there was something present on May 20, 2011, which can be construed as a written description, the present provisional application may be accorded the requested filing date.

The petition is granted.

However, this decision should not be construed as an indication that any particular invention disclosed in the present provisional application has been disclosed in the manner required by 35 U.S.C. 112, first paragraph. Applicants are reminded that in order for a nonprovisional application to be entitled to the benefits of a prior provisional application filing date, the invention being claimed in the nonprovisional application must be disclosed in the provisional application in the manner provided by the first paragraph 35 U.S.C. 112, including a recitation of the "best mode." 35 U.S.C. 119(e).

The petition fee will be refunded in due course.

The application is being returned to the Office of Patent Application processing for further processing as a provisional application for patent with a filing date of May 20, 2011, and indication on the file wrapper label that no specification was present on filing.

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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THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202

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AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
Allen, et al. :
Application No. 61/488,551 : DECISION
Filed/Deposited: 20 May, 2011 :
Attorney Docket No. 12140P :

This is a decision on the petition filed on 22 August, 2011, pursuant to the regulations at 37 C.F.R. §1.53.

NOTE:

The papers submitted by Petitioner on 22 August, 2011, appear to be in conflict:

- While the caption of the petition states (correctly) a deposit date of "May 20, 2011";
- The petition itself at the second, though unnumbered, page seeks "the priority date of May 21, 2011." (Emphasis supplied.)

The papers submitted by Petitioner on 22 August, 2011, failed to identify Petitioner as one registered to practice before the Office with the placement of Petitioner's registration number at/near the signature block.

Such assistance to the Office in processing papers submitted is respectfully requested.

To this end all those who seek to practice before the Office—*pro se* applicants and registered practitioners alike—always are directed to the Rules of Practice at 37 C.F.R. §1.4.[1]

[1] The regulations at 37 C.F.R. § 1.4 provide:

§ 1.4 Nature of correspondence and signature requirements.

(a) Correspondence with the Patent and Trademark Office comprises:

(1) Correspondence relating to services and facilities of the Office, such as general inquiries, requests for publications supplied by the Office, orders for printed copies of patents, orders for copies of records, transmission of assignments for recording, and the like, and

(2) Correspondence in and relating to a particular application or other proceeding in the Office. See particularly the rules relating to the filing, processing, or other proceedings of national applications in subpart B, §§ 1.31 to 1.378; of international applications in subpart C, §§ 1.401 to 1.499; of ex parte reexaminations of patents in subpart D, §§ 1.501 to 1.570; of extension of patent term in subpart F, §§ 1.710 to 1.785; of *inter partes* reexaminations of patents in subpart H, §§ 1.902 to 1.997; and of the Board of Patent Appeals and Interferences in part 41 of this title.

(b) Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical. The filing of duplicate copies of correspondence in the file of an application, patent, or other proceeding should be avoided, except in situations in which the Office requires the filing of duplicate copies. The Office may dispose of duplicate copies of correspondence in the file of an application, patent, or other proceeding.

(c) 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.

(d)

(1) Handwritten signature. Each piece of correspondence, except as provided in paragraphs (d)(2), (d)(3), (e) and (f) of this section, filed in an application, patent file, or other proceeding in the Office which requires a person's signature, must:

(i) Be an original, that is, have an original handwritten signature personally signed, in permanent dark ink or its equivalent, by that person; or

(ii) Be a direct or indirect copy, such as a photocopy or facsimile transmission (§ 1.6(d)), of an original. In the event that a copy of the original is filed, the original should be retained as evidence of authenticity. If a question of authenticity arises, the Office may require submission of the original.

(2) S-signature. An S-signature is a signature inserted between forward slash marks, but not a handwritten signature as defined by § 1.4(d)(1). An S-signature includes any signature made by electronic or mechanical means, and any other mode of making or applying a signature not covered by a handwritten signature of § 1.4(d)(1). Correspondence being filed in the Office in paper, by facsimile transmission as provided in § 1.6(d), or via the Office electronic filing system as an attachment as provided in § 1.6(a)(4), for a patent application, patent, or a reexamination proceeding may be S-signature signed instead of being personally signed (i.e., with a handwritten signature) as provided for in paragraph (d)(1) of this section. The requirements for an S-signature under this paragraph (d)(2) of this section are as follows.

(i) The S-signature must consist only of letters, or Arabic numerals, or both, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation, and the person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second single forward slash mark after, the S-signature (e.g., /Dr. James T. Jones, Jr./); and

(ii) A patent practitioner (§ 1.32(a)(1)), signing pursuant to §§ 1.33(b)(1) or 1.33(b)(2), must supply his/her registration number either as part of the S-signature, or immediately below or adjacent to the S-signature. The number (#) character may be used only as part of the S-signature when appearing before a practitioner's registration number; otherwise the number character may not be used in an S-signature.

(iii) The signer's name must be:

(A) Presented in printed or typed form preferably immediately below or adjacent the S-signature, and

The papers submitted on deposit of the application identified the subject matter sought to be patented not as a method, a system, a compound or a composition, but, rather, as "a fiber" or a "disposable article" of certain further-described/limited qualities in 29 of 31 claims submitted in the application, and as "a composition of [another] claim ***" in the application as to the two remaining claims.

(B) Reasonably specific enough so that the identity of the signer can be readily recognized.

(3) Forms. The Office provides forms to the public to use in certain situations to assist in the filing of correspondence for a certain purpose and to meet certain requirements for patent applications and proceedings. Use of the forms for purposes for which they were not designed is prohibited. No changes to certification statements on the Office forms (e.g., oath or declaration forms, terminal disclaimer forms, petition forms, and nonpublication request forms) may be made. The existing text of a form, other than a certification statement, may be modified, deleted, or added to, if all text identifying the form as an Office form is removed. The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any Office form with text identifying the form as an Office form by a party, whether a practitioner or non-practitioner, constitutes a certification under § 11.18(b) of this chapter that the existing text and any certification statements on the form have not been altered other than permitted by EFS-Web customization.

(4) Certifications. (i) Section 11.18 certifications: The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 11.18(b) of this subchapter. Violations of § 11.18(b)(2) of this subchapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 11.18(c) of this subchapter. Any practitioner violating § 11.18(b) of this subchapter may also be subject to disciplinary action. See §§ 11.18(d) and 11.804(b)(9) of this subchapter.

(ii) Certifications as to the signature:

(A) Of another: A person submitting a document signed by another under paragraph (d)(2) of this section is obligated to have a reasonable basis to believe that the person whose signature is present on the document was actually inserted by that person, and should retain evidence of authenticity of the signature.

(B) Self certification: The person inserting a signature under paragraph (d)(2) of this section in a document submitted to the Office certifies that the inserted signature appearing in the document is his or her own signature.

(C) Sanctions: Violations of the certifications as to the signature of another or a person's own signature, set forth in paragraphs (d)(4)(ii)(A) and (B) of this section, may result in the imposition of sanctions under § 11.18(c) and (d) of this chapter.

(e) Correspondence requiring a person's signature and relating to registration practice before the Patent and Trademark Office in patent cases, enrollment and disciplinary investigations, or disciplinary proceedings must be submitted with an original hand written signature personally signed in permanent dark ink or its equivalent by that person.

(f) When a document that is required by statute to be certified must be filed, a copy, including a photocopy or facsimile transmission, of the certification is not acceptable.

(g) An applicant who has not made of record a registered attorney or agent may be required to state whether assistance was received in the preparation or prosecution of the patent application, for which any compensation or consideration was given or charged, and if so, to disclose the name or names of the person or persons providing such assistance. Assistance includes the preparation for the applicant of the specification and amendments or other papers to be filed in the Patent and Trademark Office, as well as other assistance in such matters, but does not include merely making drawings by draftsmen or stenographic services in typing papers.

(h) Ratification/confirmation/evidence of authenticity: The Office may require ratification, confirmation (which includes submission of a duplicate document but with a proper signature), or evidence of authenticity of a signature, such as when the Office has reasonable doubt as to the authenticity (veracity) of the signature, e.g., where there are variations of a signature, or where the signature and the typed or printed name, do not clearly identify the person signing.

Nonetheless, on deposit of the instant petition, Petitioner elected to comment not simply that that the "claimed subject matter can be understood by one skilled in the art without an accompanying drawing."

Rather, Petitioner found it necessary to write:

> Further, the granted U.S. patents in this area of technology are replete with chemical inventions having greater degrees of complexities and no accompanying drawings.

Wit and humor may provide valuable insight into a matter before the Office, however, sarcasm generally fails to provide such a benefit.

To this end, all those who seek to practice before the Office—*pro se* applicants and registered practitioners alike—are directed to the Rules of Practice at 37 C.F.R. §1.3. [2]

The petition pursuant to 37 C.F.R. §1.53 is **GRANTED in part and DISMISSED in part**.

BACKGROUND

A review of the record reflects that:

- The instant application was deposited on 20 May, 2011, without drawings.
- On 20 June, 2011, the Office mailed a Notice of Incomplete Provisional Application, indicating therein that the application had not been accorded a filing date because it had been filed without drawing as required pursuant to 35 U.S.C§113 (first sentence).
- Thus the application was not accorded a filing date.
- The Office of Patent Application Processing (OPAP) indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawings were present on deposit, and provide a copy of the

[2] The regulations at 37 C.F.R. § 1.3 provide:

> § 1.3 Business to be conducted with decorum and courtesy.
>
> Applicants and their attorneys or agents are required to conduct their business with the United States Patent and Trademark Office with decorum and courtesy. Papers presented in violation of this requirement will be submitted to the Director and will not be entered. A notice of the non-entry of the paper will be provided. Complaints against examiners and other employees must be made in correspondence separate from other papers.

drawing figures, or to contend that drawings were not necessary for an understanding of the matter sought to be patented—Petitioner's alternative was to file a new provisional application because amendment of provisional applications is not permitted. (*See, inter alia*: 37 C.F.R. §1.53(c) and MPEP 201.04(b).)

- OPAP set a two- (2-) month period for reply.

- On 22 August, 2011, Petitioner submitted a petition seeking a filing date of 20 May, 2011, and expressly stated therein that the:

  —The "application is directed to a chemical composition";

  —The "claimed subject matter can be understood by one skilled in the art without an accompanying drawing";

  —"Further, the granted U.S. patents in this area of technology are replete with chemical inventions having greater degrees of complexities and no accompanying drawings."

Notwithstanding Petitioner's attempt at sarcasm, Petitioner did not contest that:

- drawings were not deposited with the instant application;

- Petitioner, on deposit of the application, identified the subject matter sought to be patented as "a fiber" or a "disposable article" of certain further-described/limited qualities in 29 of 31 claims submitted in the application, and as "a composition of [another] claim *** " in the application as to the two remaining claims.

Even now Petitioner appears to be unable to state expressly and affirmatively that drawings are not necessary for the understanding of the matter sought to be patented.

Notwithstanding Petitioner's failure to so state, the Office now so construes the instant petition to state expressly and affirmatively that drawings are not necessary for the understanding of the matter sought to be patented.

While it is the practice of the Office to treat an application that contains at least one process or method or composition claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence) (see : MPEP §601.01, and specifically MPEP §601.01(f)(A))—it was not necessarily clear on deposit the application that the instant application fell into such category(ies), and in light of Petitioner/Applicant's express statement of inclusion of drawings as the intended form of the application on deposit, it is not

considered an error on the part of the Office to have initially determined the application one requiring drawings under statute.

Thus, again, the Office construes Petitioner's 22 August, 2011, petition to state, for the purposes of this decision, to mean that drawings are not necessary for understanding of the subject matter sought to be patented, and thus for a filing date in this application.

In the absence of entry by the Examiner of an amendment, drawing(s) will not be further considered as a part of this application.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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.[3]

CONCLUSION

The petition under 37 C.F.R. §1.53 is **granted in part** to the extent that the application will be accorded the filing date of 20 May, 2011, without the drawings as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The petition fee was not charged.

This application is released to the Office of Patent Application Processing (OPAP) to be processed for correction of the filing date to 20 May, 2011, with the 42 pages of specification (description, claims, and abstract), deposited on 20 May, 2011, and **no** drawings as the original disclosure.

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

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

[4] The regulations at 37 C.F.R. '1.2 provide:

'1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
Allen, et al. :
Application No. 61/488,590 : DECISION
Filed/Deposited: 20 May, 2011 :
Attorney Docket No. 12144P :

This is a decision on the petition filed on 22 August, 2011, pursuant to the regulations at 37 C.F.R. §1.53.

NOTE:

The papers submitted by Petitioner on 22 August, 2011, appear to be in conflict:

- While the caption of the petition states (correctly) a deposit date of "May 20, 2011";
- The petition itself at the second, though unnumbered, page seeks "the priority date of May 21, 2011." (Emphasis supplied.)

The papers submitted by Petitioner on 22 August, 2011, failed to identify Petitioner as one registered to practice before the Office with the placement of Petitioner's registration number at/near the signature block.

Such assistance to the Office in processing papers submitted is respectfully requested.

To this end all those who seek to practice before the Office—*pro se* applicants and registered practitioners alike—always are directed to the Rules of Practice at 37 C.F.R. §1.4.[1]

[1] The regulations at 37 C.F.R. § 1.4 provide:

§ 1.4 Nature of correspondence and signature requirements.

(a) Correspondence with the Patent and Trademark Office comprises:

(1) Correspondence relating to services and facilities of the Office, such as general inquiries, requests for publications supplied by the Office, orders for printed copies of patents, orders for copies of records, transmission of assignments for recording, and the like, and

(2) Correspondence in and relating to a particular application or other proceeding in the Office. See particularly the rules relating to the filing, processing, or other proceedings of national applications in subpart B, §§ 1.31 to 1.378; of international applications in subpart C, §§ 1.401 to 1.499; of ex parte reexaminations of patents in subpart D, §§ 1.501 to 1.570; of extension of patent term in subpart F, §§ 1.710 to 1.785; of *inter partes* reexaminations of patents in subpart H, §§ 1.902 to 1.997; and of the Board of Patent Appeals and Interferences in part 41 of this title.

(b) Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical. The filing of duplicate copies of correspondence in the file of an application, patent, or other proceeding should be avoided, except in situations in which the Office requires the filing of duplicate copies. The Office may dispose of duplicate copies of correspondence in the file of an application, patent, or other proceeding.

(c) 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.

(d)

(1) Handwritten signature. Each piece of correspondence, except as provided in paragraphs (d)(2), (d)(3), (e) and (f) of this section, filed in an application, patent file, or other proceeding in the Office which requires a person's signature, must:

(i) Be an original, that is, have an original handwritten signature personally signed, in permanent dark ink or its equivalent, by that person; or

(ii) Be a direct or indirect copy, such as a photocopy or facsimile transmission (§ 1.6(d)), of an original. In the event that a copy of the original is filed, the original should be retained as evidence of authenticity. If a question of authenticity arises, the Office may require submission of the original.

(2) S-signature. An S-signature is a signature inserted between forward slash marks, but not a handwritten signature as defined by § 1.4(d)(1). An S-signature includes any signature made by electronic or mechanical means, and any other mode of making or applying a signature not covered by a handwritten signature of § 1.4(d)(1). Correspondence being filed in the Office in paper, by facsimile transmission as provided in § 1.6(d), or via the Office electronic filing system as an attachment as provided in § 1.6(a)(4), for a patent application, patent, or a reexamination proceeding may be S-signature signed instead of being personally signed (i.e., with a handwritten signature) as provided for in paragraph (d)(1) of this section. The requirements for an S-signature under this paragraph (d)(2) of this section are as follows.

(i) The S-signature must consist only of letters, or Arabic numerals, or both, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation, and the person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second single forward slash mark after, the S-signature (e.g., /Dr. James T. Jones, Jr./); and

(ii) A patent practitioner (§ 1.32(a)(1)), signing pursuant to §§ 1.33(b)(1) or 1.33(b)(2), must supply his/her registration number either as part of the S-signature, or immediately below or adjacent to the S-signature. The number (#) character may be used only as part of the S-signature when appearing before a practitioner's registration number; otherwise the number character may not be used in an S-signature.

(iii) The signer's name must be:

(A) Presented in printed or typed form preferably immediately below or adjacent the S-signature, and

The papers submitted on deposit of the application identified the subject matter sought to be patented not as a method, a system, a compound or a composition, but, rather, as "a molded article" of certain further-described/limited qualities in each of 29 claims submitted in the application.

(B) Reasonably specific enough so that the identity of the signer can be readily recognized.

(3) Forms. The Office provides forms to the public to use in certain situations to assist in the filing of correspondence for a certain purpose and to meet certain requirements for patent applications and proceedings. Use of the forms for purposes for which they were not designed is prohibited. No changes to certification statements on the Office forms (e.g., oath or declaration forms, terminal disclaimer forms, petition forms, and nonpublication request forms) may be made. The existing text of a form, other than a certification statement, may be modified, deleted, or added to, if all text identifying the form as an Office form is removed. The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any Office form with text identifying the form as an Office form by a party, whether a practitioner or non-practitioner, constitutes a certification under § 11.18(b) of this chapter that the existing text and any certification statements on the form have not been altered other than permitted by EFS-Web customization.

(4) Certifications. (i) Section 11.18 certifications: The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 11.18(b) of this subchapter. Violations of § 11.18(b)(2) of this subchapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 11.18(c) of this subchapter. Any practitioner violating § 11.18(b) of this subchapter may also be subject to disciplinary action. See §§ 11.18(d) and 11.804(b)(9) of this subchapter.

(ii) Certifications as to the signature:

(A) Of another: A person submitting a document signed by another under paragraph (d)(2) of this section is obligated to have a reasonable basis to believe that the person whose signature is present on the document was actually inserted by that person, and should retain evidence of authenticity of the signature.

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(C) Sanctions: Violations of the certifications as to the signature of another or a person's own signature, set forth in paragraphs (d)(4)(ii)(A) and (B) of this section, may result in the imposition of sanctions under § 11.18(c) and (d) of this chapter.

(e) Correspondence requiring a person's signature and relating to registration practice before the Patent and Trademark Office in patent cases, enrollment and disciplinary investigations, or disciplinary proceedings must be submitted with an original hand written signature personally signed in permanent dark ink or its equivalent by that person.

(f) When a document that is required by statute to be certified must be filed, a copy, including a photocopy or facsimile transmission, of the certification is not acceptable.

(g) An applicant who has not made of record a registered attorney or agent may be required to state whether assistance was received in the preparation or prosecution of the patent application, for which any compensation or consideration was given or charged, and if so, to disclose the name or names of the person or persons providing such assistance. Assistance includes the preparation for the applicant of the specification and amendments or other papers to be filed in the Patent and Trademark Office, as well as other assistance in such matters, but does not include merely making drawings by draftsmen or stenographic services in typing papers.

(h) Ratification/confirmation/evidence of authenticity: The Office may require ratification, confirmation (which includes submission of a duplicate document but with a proper signature), or evidence of authenticity of a signature, such as when the Office has reasonable doubt as to the authenticity (veracity) of the signature, e.g., where there are variations of a signature, or where the signature and the typed or printed name, do not clearly identify the person signing.

Nonetheless, on deposit of the instant petition, Petitioner elected to comment not simply that that the "claimed subject matter can be understood by one skilled in the art without an accompanying drawing."

Rather, Petitioner found it necessary to write:

> Further, the granted U.S. patents in this area of technology are replete with chemical inventions having greater degrees of complexities and no accompanying drawings.

While wit and humor sometime provide valuable insight into matters before the Office, sarcasm generally fails to provide such a benefit.

To this end, all those who seek to practice before the Office—*pro se* applicants and registered practitioners alike—are directed to the Rules of Practice at 37 C.F.R. §1.3. [2]

The petition pursuant to 37 C.F.R. §1.53 is **GRANTED in part and DISMISSED in part**.

BACKGROUND

A review of the record reflects that:

- The instant application was deposited on 20 May, 2011, without drawings.
- On 21 June, 2011, the Office mailed a Notice of Incomplete Provisional Application, indicating therein that the application had not been accorded a filing date because it had been filed without drawing as required pursuant to 35 U.S.C§113 (first sentence).
- Thus the application was not accorded a filing date.
- The Office of Patent Application Processing (OPAP) indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawings were present on deposit, and provide a copy of the

[2] The regulations at 37 C.F.R. § 1.3 provide:

> § 1.3 Business to be conducted with decorum and courtesy.
>
> Applicants and their attorneys or agents are required to conduct their business with the United States Patent and Trademark Office with decorum and courtesy. Papers presented in violation of this requirement will be submitted to the Director and will not be entered. A notice of the non-entry of the paper will be provided. Complaints against examiners and other employees must be made in correspondence separate from other papers.

drawing figures, or to contend that drawings were not necessary for an understanding of the matter sought to be patented—Petitioner's alternative was to file a new provisional application because amendment of provisional applications is not permitted. (*See, inter alia*: 37 C.F.R. §1.53(c) and MPEP 201.04(b).)

- OPAP set a two- (2-) month period for reply.

- On 22 August, 2011, Petitioner submitted a petition seeking a filing date of 20 May, 2011, and expressly stated therein that the:

  —The "application is directed to a chemical composition";

  —The "claimed subject matter can be understood by one skilled in the art without an accompanying drawing";

  —"Further, the granted U.S. patents in this area of technology are replete with chemical inventions having greater degrees of complexities and no accompanying drawings."

Notwithstanding Petitioner's attempt at sarcasm, Petitioner did not contest that:

- drawings were not deposited with the instant application;

- Petitioner, on deposit of the application, identified the subject matter sought to be patented as "a molded article" in each of 29 claims submitted in the application.

Even now Petitioner appears to be unable to state expressly and affirmatively that drawings are not necessary for the understanding of the matter sought to be patented.

Notwithstanding Petitioner's failure to so state, the Office now so construes the instant petition to state expressly and affirmatively that drawings are not necessary for the understanding of the matter sought to be patented.

While it is the practice of the Office to treat an application that contains at least one process or method or composition claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence) (see : MPEP §601.01, and specifically MPEP §601.01(f)(A))—it was not necessarily clear on deposit the application that the instant application fell into such category(ies), and in light of Petitioner/Applicant's express statement of inclusion of drawings as the intended form of the application on deposit, it is not considered an error on the part of the Office to have initially determined the application one requiring drawings under statute.

Thus, again, the Office construes Petitioner's 22 August, 2011, petition to state, for the purposes of this decision, to mean that drawings are not necessary for understanding of the subject matter sought to be patented, and thus for a filing date in this application.

In the absence of entry by the Examiner of an amendment, drawing(s) will not be further considered as a part of this application.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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.[3]

CONCLUSION

The petition under 37 C.F.R. §1.53 is **granted in part** to the extent that the application will be accorded the filing date of 20 May, 2011, without the drawings as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The petition fee was not charged.

This application is released to the Office of Patent Application Processing (OPAP) to be processed for correction of the filing date to 20 May, 2011, with the 33 pages of specification (description, claims, and abstract), deposited on 20 May, 2011, and **no** drawings as the original disclosure.

---

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

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

[4] The regulations at 37 C.F.R. '1.2 provide:

'1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
61/489,809		Richard Spaete	MED0102.10CON	3326

EXAMINER

7590 06/03/2011

MEDIMMUNE, LLC
Patrick Scott Alban
ONE MEDIMMUNE WAY
GAITHERSBURG, MD 20878

ART UNIT	PAPER NUMBER

NOTIFICATION DATE	DELIVERY MODE
06/03/2011	ELECTRONIC

Decision Granting Petition under 37 CFR 1.138(c)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is granted.

The express abandonment is recognized and the application has been withdrawn from publication.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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

Adams Monahan LLP
60 South 6th Street
Suite 2540
Minneapolis MN 55402

MAILED

AUG 16 2011

OFFICE OF PETITIONS

In re Application of :
Connie Rutledge et al. :
Application No. 61/490,516 : DECISION ON PETITION
Filed: May 26, 2011 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.59(b), filed July 20, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the original Application Data Sheet (ADS) be expunged from the record.

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 original ADS will not be expunged from the record pursuant to 37 CFR 1.59(b) even though it was allegedly mistakenly filed. Moreover, petitioner has not established that an extraordinary situation exits 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.

The ADS filed with the application sets forth the inventorship of the provisional application. Petitioner needs to file a petition to correct inventorship under 37 CFR 1.48 if the inventorship set forth in the May 26, 201 ADS is not correct.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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NEC LABORATORIES AMERICA, INC.
4 INDEPENDENCE WAY
Suite 200
PRINCETON, NJ 08540

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of :
Dayou Qian, et al. :
Application No. 61/490,617 : ON PETITION
Filed: May 27, 2011 :
Attorney Docket No.: 10062P :

This is a decision on the petition, filed July 29, 2011, which is being treated as a request to withdraw that the Notice of Omitted Item(s) in a Provisional Application mailed June 29, 2011.

The petition is **DISMISSED**.

On May 27, 2011, applicants filed the above-identified application. However, on June 29, 2011, the Office mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of May 27, 2011, and advising applicant that Pages 1-2 of the specification appeared to have been omitted.

In response, on July 29, 2011, applicant filed the present petition and the petition fee. Petitioner asserts that Pages 1-2 were not omitted from the application papers as filed on May 27, 2011. Petitioner provides a substitute specification, stating that no new matter is contained therein, since the "only changes made were cosmetic—namely page number."

Upon considering applicants' assertion, it appears that Pages 1-2 were not actually missing on May 27, 2011. Rather, pages of the specification were misnumbered as a result of applicant's filing error. Since the Notice of Omitted Item(s) in a Provisional Application, mailed June 29, 2011, was correct in stating that Pages 1-2 of the specification appeared to have been omitted, the Notice was properly mailed and will not be withdrawn.

Further, the Office reminds applicant that amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application. MPEP 601.01(b). Since the amendment presented on petition is not required to comply with any applicable regulations, the amendment will not be entered.

This application is being returned to the Office of Patent Application Processing for further processing with a filing date of May 27, 2011, using the papers filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3204.

/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

NEC LABORATORIES AMERICA, INC.
4 INDEPENDENCE WAY
Suite 200
PRINCETON, NJ 08540

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of :
Eduardo F. Mateo, et al. :
Application No. 61/490,636 : ON PETITION
Filed: May 27, 2011 :
Attorney Docket No.: 10112P :

This is a decision on the petition, filed July 29, 2011, which is being treated as a request to withdraw that the Notice of Omitted Item(s) in a Provisional Application mailed June 29, 2011.

The petition is **DISMISSED**.

On May 27, 2011, applicants filed the above-identified application. However, on June 29, 2011, the Office mailed a Notice of Omitted Item(s) in a Provisional Application, stating that the application had been accorded a filing date of May 27, 2011, and advising applicant that Pages 1-2 of the specification appeared to have been omitted.

In response, on July 29, 2011, applicant filed the present petition and the petition fee. Petitioner asserts that Pages 1-2 were not omitted from the application papers as filed on May 27, 2011. Petitioner provides a substitute specification, stating that no new matter is contained therein, since the "only changes made were cosmetic—namely page number."

Upon considering applicants' assertion, it appears that Pages 1-2 were not actually missing on May 27, 2011. Rather, pages of the specification were misnumbered as a result of applicant's filing error. Since the Notice of Omitted Item(s) in a Provisional Application, mailed June 29, 2011, was correct in stating that Pages 1-2 of the specification appeared to have been omitted, the Notice was properly mailed and will not be withdrawn.

Further, the Office reminds applicant that amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application. MPEP 601.01(b). Since the amendment presented on petition is not required to comply with any applicable regulations, the amendment will not be entered.

This application is being returned to the Office of Patent Application Processing for further processing with a filing date of May 27, 2011, using the papers filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3204.

/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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Intuitive Surgical Operations, Inc.
(w/ O'Brien Jones, PLLC)
1266 Kifer Road
Building 101
Sunnyvale CA 94086-5304

MAILED

JUL 27 2011

OFFICE OF PETITIONS

In re Application of	:	
Durant et al.	:	
Application No. 61/491,647	:	RESPONSE TO PETITION
Filed: May 31, 2011	:	
Attorney Docket No. ISRG 03300PROV/US	:	

This is a response to the petition under 37 CFR 1.59(b), filed June 1, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

On May 31, 2011, 14 pages of Drawings were filed in the above identified application under EFS ID 10199339. Petitioner alleges that the 14 pages of Drawings were erroneously filed in the above identified application. Petitioner requests that the 14 pages of Drawings filed May 31, 2011 in the above identified application under EFS ID 10199339 be removed from the file wrapper of 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 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.

While the second set of Drawings, which were 14 pages and filed under EFS ID 10199339, were not part of the original disclosure of the application, the further requirements to expunge the Drawings must be satisfied before they are removed from the file. In that regard, petitioner has not satisfied requirements B-D above.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.

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

HORIZON PATENT GROUP
924 STRATHORN DRIVE
CARY NC 27519

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Elisabet	:	
Application No. 61/491,774	:	DECISION
Filed/Deposited: 31 May, 2011	:	
Attorney Docket No. AURA-12	:	

This is a decision on the petition filed on 18 July, 2011, pursuant to the regulations at 37 C.F.R. ' 1.53.

The petition pursuant to 37 C.F.R. §1.53 is **GRANTED in part and DISMISSED in part**.

BACKGROUND

A review of the record reflects that:

- The instant application was deposited on 31 May, 2011—therein, at page 5 of the specification, Applicant/Petitioner expressly listed at paragraphs 0028, 0029, 0030, 0031 and 0032 an intent to file accompanying drawings.

- On 24 June, 2011, the Office mailed a Notice of Incomplete Provisional Application, indicating therein that the application had not been accorded a filing date because it had been filed without drawing as required pursuant to 35 U.S.C§113 (first sentence).

- Thus the application was not accorded a filing date.

- The Office of Patent Application Processing (OPAP) indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawings were present on deposit, and provide a copy of the drawing figures, or to contend that drawings were not necessary for an understanding of the matter sought to be patented—Petitioner's alternative was to file a new provisional application because amendment of provisional applications is not permitted. (*See, inter alia*: 37 C.F.R. §1.53(c) and MPEP 201.04(b).)

- OPAP set a two- (2-) month period for reply.

- On 18 July, 2011, Petitioner submitted a petition seeking a filing date of 31 May, 2011, and expressly stated that—in contrast to the express statement of the application specification on deposit—"the application was intentionally deposited without drawings as drawings are not considered necessary to the understanding of the applicant's invention as set forth."

Petitioner did not contest that drawings were not deposited with the instant application, and did not provide any other evidence of receipt of such drawings by the Office—rather, Petitioner averred that drawings were/are not necessary for the understanding of the matter sought to be patented.

While it is the practice of the Office to treat an application that contains at least one process or method or composition claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence) (see : MPEP §601.01, and specifically MPEP §601.01(f)(A))—it was not necessarily clear on deposit the application that the instant application fell into such category(ies), and in light of Petitioner/Applicant's express statement of inclusion of drawings as the intended form of the application on deposit, it is not considered an error on the part of the Office to have initially determined the application one requiring drawings under statute.

Again, as noted above, on 18 July, 2011, Petitioner expressly limiting his request for relief to a focus on his statement that drawings "are not necessary to understand the subject matter" sought to be patented.

Thus, the argument of the petition is construed for the purposes of this decision to mean that drawings are not necessary for understanding of the subject matter sought to be patented, and thus for a filing date in this application.

In the absence of entry by the Examiner of an amendment, drawing(s) will not be further considered as a part of this application.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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 petition under 37 C.F.R. §1.53 is **granted in part** to the extent that the application will be accorded the filing date of 31 May, 2011, without the drawings as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The petition fee is not waived in that the statement of Applicant and Petitioner/Counsel upon deposit was that several drawings were included, with an indication that they were a component/requirement of the application content.

This application is released to the Office of Patent Application Processing (OPAP) to be processed for correction of the filing date to 31 May, 2011, with the 15 pages of specification (description, claims, and abstract), deposited on 31 May, 2011, and **no** drawings as the original disclosure.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) 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/Caller'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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ADELI & TOLLEN LLP
11940 SAN VICENTE BLVD SUITE 100
LOS ANGELES CA 90049

MAILED

DEC 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Guzman Suarez, et al.	:	
Application No. 61/493,411	:	ON PETITION
Filed: June 3, 2011	:	
Attorney Docket No. APLE.P0303P	:	

This is in response to the petition under 37 CFR 1.182 to change the inventor's name, filed December 2, 2011.

The petition is **GRANTED**.

Office records have been changed to reflect the change in the inventor's name from Angela Guzman to Angela Guzman Suarez.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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COX SMITH MATTHEWS INCORPORATED
112 EAST PECAN STREET, SUITE 1800
SAN ANTONIO TX 78205-1521

MAILED

OCT 04 2011

OFFICE OF PETITIONS

In re application of	:	
Tim Musgrave et al	:	
Application No. 61/494,327	:	NOTICE
Filed: June 7, 2011	:	
Attorney Docket No. 30610.107	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on September 19, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARSHALL GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Joseph Eric Henningsen	:	
Application No. 61/495,233	:	DECISION ON PETITION
Filed: June 9, 2011	:	TO WITHDRAW
Attorney Docket No. 31828/45923	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 5, 2011.

The request is **APPROVED**.

The request was signed by Thomas K. Stine on behalf of the practitioners of record associated with Customer Number 04743.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Joseph E. Henningsen at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Joseph E. Henningsen
1253 Pasa Tiempo Road
Palm Springs, CA 92262

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
61/495,233	06/09/2011	Joseph Eric Henningsen	31828/45923

CONFIRMATION NO. 6474

Joseph E. Henningsen
1253 Pasa Tiempo Road
Palm Springs, CA 92262

POA ACCEPTANCE LETTER

OC000000050556267

Date Mailed: 10/24/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
61/495,233	06/09/2011	Joseph Eric Henningsen	31828/45923

CONFIRMATION NO. 6474

POWER OF ATTORNEY NOTICE

4743
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

OC000000050556265

Date Mailed: 10/24/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRANNON ROBINSON
SOWERS HUGHEL & DOSS PC
1 NORTH PENNSYLVANIA STREET
SUITE 800
INDIANAPOLIS IN 46204

MAILED

SEP 08 2011

OFFICE OF PETITIONS

In re Application of :
Territo, et al. :
Application No. 61/495,360 : DECISION
Filed/Deposited: 9 June, 2011 :
Attorney Docket No. 253-10888 :

This is a decision on the petition filed on 30 August, 2011, pursuant to the regulations at 37 C.F.R. ' 1.53.

The petition pursuant to 37 C.F.R. §1.53 is **GRANTED in part and DISMISSED in part**.

BACKGROUND

A review of the record reflects that:

- The instant application was deposited on 9 June, 2011, without drawings.
- On 30 June, 2011, the Office mailed a Notice of Incomplete Provisional Application, indicating therein that the application had not been accorded a filing date because it had been filed without drawing as required pursuant to 35 U.S.C§113 (first sentence).
- Thus the application was not accorded a filing date.
- The Office of Patent Application Processing (OPAP) indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawings were present on deposit, and provide a copy of the drawing figures, or to contend that drawings were not necessary for an understanding of the matter sought to be patented—Petitioner's alternative was to file a new provisional application because amendment of provisional applications is not permitted. (*See, inter alia*: 37 C.F.R. §1.53(c) and MPEP 201.04(b).)
- OPAP set a two- (2-) month period for reply.

- On 30 August, 2011, Petitioner submitted a petition seeking a filing date of 9 June, 2011, and expressly stated that "drawings, while helpful, are not necessary to convey an understanding of the subject matter that will eventually be sought to be patented."

Rather than drawing to a close there, Petitioner elected to:

- quibble on with assertions that "the subject matter is as yet undefined" and that Applicants "are not seeking to patent anything but instead are seeking to provide support for a later utility patent application ..."; and

- submit an amendment to his application, which was not appropriate.[1]

Nonetheless, Petitioner acknowledged that:

- drawings were not deposited with the instant application;

- drawings were not necessary for an understanding of the subject matter of the application before the Office.

---

[1] The guidance in the commentary at MPEP §601.01(b) provides:

***

601.01(b) Provisional Applications Filed Under 35 U.S.C. 111(b) [R-3]
A provisional application will be given a filing date in accordance with 37 C.F.R. 1.53(c) as of the date the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application set forth in 37 C.F.R. §1.53(c)parallel the requirements for a nonprovisional application set forth in 37 C.F.R. §1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.

When the specification or drawing are omitted, 37 C.F.R. §1.53(e) requires that the applicant be notified and given a time period in which to submit the missing element to complete the filing. See MPEP §601.01(f) and §601.01(g) for treatment of applications filed without drawings, or filed without all figures of drawings, respectively.
37 C.F.R. §1.53(c)(1) requires all provisional applications be filed with a cover sheet, which may be an application data sheet (37 C.F.R. §1.76) or a cover letter identifying the application as a provisional application. The Office will treat an application as having been filed under paragraph (b), unless the application is clearly identified as a provisional application. A provisional application, which is identified as such, but which does not have a complete cover sheet as required by 37 C.F.R. §1.51(c)(1) will be treated as a provisional application. However, the complete cover sheet and a surcharge will be required to be submitted at a later date in conformance with 37 C.F.R. §1.53(g).

When the provisional application does not have a complete cover sheet or the appropriate fee, the applicant will be notified pursuant to 37 C.F.R. §1.53(g) and given a time period in which to provide the necessary fee or cover sheet and to pay the surcharge as set forth in 37 C.F.R. §1.16*>(g)< in order to avoid abandonment of the application. The time period will usually be set at 2 months from the date of notification. This time period may be extended under 37 C.F.R. §1.136(a). If the filing fee is not timely paid, the Office may dispose of the provisional application. If no correspondence address has been provided, applicant has 2 months from the filing date to file the basic filing fee, cover sheet, and to pay the surcharge as set forth in 37 C.F.R. §1.16*>(g)< in order to avoid abandonment of the provisional application. Copies of a provisional application will be provided by the USPTO upon request and payment of the fee set forth in 37 C.F.R. §1.19(b) unless the provisional application has been disposed of (see 37 C.F.R. §1.53(e) and (g)).

The basic filing fee must be paid in a provisional application on filing or within the time period set forth in 37 C.F.R. §1.53(g), and the provisional application must be entitled to a filing date under 37 C.F.R. 1.53(c), if any claim for benefits under 35 U.S.C. 119(e) based on that application is made in a subsequently filed
37 C.F.R. §1.53(e)(2) requires that any request for review of a refusal to accord an application a filing date be made by way of a petition accompanied by the fee set forth in 37 C.F.R. §1.17*>(f)< (see MPEP §506.02).

***

Thus, the Office now so construes the instant petition to state expressly and affirmatively that drawings are not necessary for the understanding of the matter sought to be patented.

Further, it is noted that Claim 3 was stated in the form of a claim to a method.

It is the practice of the Office to treat an application that contains at least one process or method or composition claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence) (see : MPEP §601.01, and specifically MPEP §601.01(f)(A)). It was not necessarily clear on deposit the application that the instant application fell into such category(ies) in light of Petitioner/Applicant's express statement of inclusion of drawings as the intended form of the application on deposit, it was not inappropriate on the part of the Office to have initially determined the application one requiring drawings under statute.

The Office construes Petitioner's 30 August, 2011, petition to state, for the purposes of this decision, to mean that drawings are not necessary for understanding of the subject matter sought to be patented, and thus for a filing date in this application.

In the absence of entry by the Examiner of an amendment, drawing(s) will not be further considered as a part of this application.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

CONCLUSION

The petition under 37 C.F.R. §1.53 is **granted in part** to the extent that the application will be accorded the filing date of 9 June, 2011, without the drawings as part of the original disclosure of

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

the application; in all other respects the petition **is dismissed**. The petition fee has been refunded—should Petitioner later find that the fee was not refunded, Petitioner should make a request for refund from the Office of Finance and include therewith a copy of this decision.

This application is released to the Office of Patent Application Processing (OPAP) to be processed for correction of the filing date to 9 June, 2011, with the 27 pages of specification (description, claims, and abstract), deposited on 9 June, 2011, and **no** drawings as the original disclosure.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) 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/Caller's action(s).

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

[3] 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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United States Patent and Trademark Office
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EPSTEIN DRANGEL LLP
60 EAST 42ND STREET
SUITE 2410
NEW YORK NY 10165

MAILED
JUN 23 2011
OFFICE OF PETITIONS

In re Application of :
Ihor Wacyk et al :
Application No. 61/495,426 : DECISION ON REQUEST FOR REFUND
Filed: June 10, 2011 :
Attorney Docket No. 1494-181 :

This is a decision on the Request For Refund filed June 13, 2011.

The request is **DISMISSED**.

The request for refund is dismissed because USPTO regulations require that papers filed in the application be signed by a registered attorney or agent, by the applicants (inventors) or by the assignee of the entire interest who has taken action in the application in accordance with 37 CFR 3.71. The request for refund is not signed. Note 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.

Additionally, applicant is encouraged to note the below regarding the filing of an unintended duplicate filing via EFS-Web:

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

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

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

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of
Ihor Wacyk et al
Application No. 61/495,426
Filed: June 10, 2011
Attorney Docket No. 1494-181

DECISION ON PETITION

This is a decision on the renewed request for refund filed June 28, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web.

The Office has accepted petitioner's statement as an assertion that the duplicate application was filed by mistake. Accordingly, the filing fee of $110.00, submitted on June 10, 2011, has been credited to petitioner's credit card account, as it is the method in which the fee was paid.

As no further action will be taken in this application, the request for refund of the filing fee is also being construed as a request to expressly abandon the above-mentioned application. Accordingly, this matter is being referred to the Office of Patent Publication for express abandonment of the subject application.

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

/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

MAILED

APR 16 2012

OFFICE OF PETITIONS

GE GPO -- Transportation --
McCormick Paulding & Huber LLP
GE Corporate, Global Patent Operation
2 Corporate Drive, Suite 648
Shelton CT 06484

In re Application of :
Kraeling, et al. :
Application No.: 61/495,572 : ON PETITION
Filed: June 10, 2011 :
Attorney Docket No. **253132_1**

This is in response to the petition under 37 CFR 1.137(b) filed March 21, 2012.

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

A "Notice to File Missing Parts of Provisional Application" (the "Notice") was mailed by the Office on June 22, 2011, 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 August 23, 2011. A Notice of Abandonment was mailed on March 8, 2012.

The surcharge of $50.00 and filing fee are noted as having been received on March 21, 2012.

It is noted that the provisional application will expire at midnight on June 10, 2012, by operation of law.

Telephone inquiries regarding 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
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VIKSNINS HARRIS & PADYS PLLP
P.O BOX 111098
St. Paul MN 55111-1098

MAILED

NOV 10 2011

OFFICE OF PETITIONS

In re Application of :
Ray et al. :
Application No. 61/495,841 : DECISION ON PETITION
Filed: June 10, 2011 :
Attorney Docket No. 01692.390PV2 :

This is a decision on the petition under 37 CFR 1.182, filed, October 27, 2011, to change the name of inventor "Chris Yeng" to – Cheng Yong Yang --.

The petition is **DISMISSED**.

Per MPEP 605.04(c): In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

Petitioners have not explained the circumstances surrounding the name change/difference in names. The requested change is more than a simple spelling error.

In view of the above, the petition under § 1.182 cannot be granted at this time to change the inventor's name.

Pursuant to petitioners' authorization, deposit account no. 50-3503 will be charged the required $400.00 petition 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:	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 pertaining to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VIKSNINS HARRIS & PADYS PLLP
P.O BOX 111098
St. Paul MN 55111-1098

MAILED
MAR 06 2012
OFFICE OF PETITIONS

In re Application of :
Ray et al. :
Application No. 61/495,841 : DECISION ON PETITION
Filed: June 10, 2011 :
Attorney Docket No. 01692.390PV2 :

This is a decision on the renewed petition under 37 CFR 1.182, filed, February 13, 2012, to change the name of inventor "Chris Yeng" to – Cheng Yong Yang --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/495,841	06/10/2011		490	01692.390PV2		

CONFIRMATION NO. 8939

CORRECTED FILING RECEIPT

53684
VIKSNINS HARRIS & PADYS PLLP
P.O BOX 111098
St. Paul, MN 55111-1098

Date Mailed: 03/05/2012

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)

Adrian Ray, Foster City, CA;
William Watkins, Foster City, CA;
John Link, Foster City, CA;
David Oldach, Foster City, CA;
William Delaney, Foster City, CA;
Cheng Yong Yang, Foster City, CA;
Hongmei Mo, Foster City, CA;
Weidong Zhong, Foster City, CA;

Power of Attorney:
Paul Savereide--36914

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 06/24/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/495,841**

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

Non-Publication Request: No

Early Publication Request: No

Title

METHODS FOR TREATING HCV

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

Sony Corporation of America
16530 VIA ESPRILLO, MZ 7190
SAN DIEGO CA 92127

MAILED
APR 16 2012
OFFICE OF PETITIONS

In re Application of :
Dashevskiy et al. :
Application No. 61/496,735 : DECISION ON PETITION
Filing Date: June 14, 2011 :
Attorney Docket No. 201104071.01 :

This is a decision on the petition under 37 CFR 1.182, filed, March 6, 2012, to change the name of inventor "Leo Dashevskiy" to –**Leonid Dashevskiy** --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account. The $50.00 processing fee will be refunded.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3215. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

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

Charlema Grant
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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/496,735	06/14/2011		220	201104071.01		

CONFIRMATION NO. 2156

CORRECTED FILING RECEIPT

36645
Sony Corporation of America
16530 VIA ESPRILLO, MZ 7190
SAN DIEGO, CA 92127

Date Mailed: 04/16/2012

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)

Leonid Dashevskiy, Alpharetta, GA;
Trevor Davies, Alpharetta, GA;
Robert Nicholson, Alpharetta, GA;

Power of Attorney:
Frederick Zustak--36728

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 06/23/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/496,735**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

Controlling Multiple Devices by Web Interface for Display of Video Content

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.

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Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national

security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

MAILED
AUG 03 2011
OFFICE OF PETITIONS

In re Application of :
Ashkan Jahaverian :
Application No. 61/496,979 : DECISION ON PETITION
Filed: June 14, 2011 :
Attorney Docket No. 36588-737.101 :

This is a decision on the petition under 37 CFR 1.59(b), filed July 7, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that a document entitled Provisional Cover Sheet, filed June 14, 2011, be expunged from the record.

The petition is deficient because the wrong document was identified. The file record shows that two Provisional Application For Patent Cover Sheets were filed on June 14 in the above identified provisional application. The petition indicates the cover sheet to be expunged recites docket number 36588-737.101. However, this is the docket number for the above identified application. The other cover sheet recites docket number 35939-705.102 and it also recites a title of the invention and inventor that is different from the instant application.

The petition cannot be granted at this time. Petitioner is required to clarify which cover sheet is to be expunged.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6842.

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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650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In Re application of
Ashkan Jahaverian
Application No. 61/496,979
Filed: June 14, 2011
Attorney Docket No. 36588-737.101

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.59(b), filed August 16, 2011 to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that the provisional cover sheet for attorney docket no. 35939-705.102, filed June 14, 2011, be expunged from the record. Petitioner states that the paper submitted was erroneously filed in the instant application.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in a different application.

The expunged material has been removed from the official file.

In accordance with MPEP 724.05(III), no petition is needed since the papers in question were clearly identified for a different application. Therefore, the petition fee is refunded.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.

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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LAW OFFICE OF MICHAEL J FEIGIN
103 THE CIRCLE
(HTTP://PATENTLAWNY.COM)
PASSAIC NJ 07055

MAILED
SEP 06 2011
OFFICE OF PETITIONS

In re Application of :
Goh, et al. :
Application No. 61/497,920 : ON PETITION
Filed: June 16, 2011 :
Attorney Docket No. PGOH001 :

This is in response to the letter filed July 14, 2011, requesting a change in the inventor's name.

Applicants have requested to correct the spelling of the name of inventor Vivian Mei Hna Goh to Vivian Mei Hua Goh.

The request is **GRANTED**.

Office records have been changed to reflect the change in the spelling of the inventor's names.

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: corrected filing receipt (3 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/497,920	06/16/2011		110	PGOH001		

CONFIRMATION NO. 7677

CORRECTED FILING RECEIPT

66793
Law Office of Michael J. Feigin
103 The Circle
(http://PatentLawNY.com)
Passaic, NJ 07055

OC000000049621649

Date Mailed: 09/01/2011

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)

Vivian Mei Hua Goh, Singapore, SINGAPORE;
Jamie Mei Yi Goh, Media, PA;

Power of Attorney:
Cheryl Figlin--39562

If Required, Foreign Filing License Granted: 06/28/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/497,920**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
**** SMALL ENTITY ****
Title

House of Cards

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CALIFORNIA INSTITUTE OF TECHNOLOGY
1200 E.CALIFORNIA BLVD.
M/C 201-85
PASADENA CA 91125

MAILED

SEP 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Chaudhuri et al.	:	
Application No. 61/499035	:	
Filing or 371(c) Date: 06/20/2011	:	
Attorney Docket Number:	:	DECISION
CIT-5911-P	:	ON PETITION

This is a decision on the "Petition to Accord a Filing Date in Accordance with 37 CFR 1.53(e)(2)," filed August 30, 2011, requesting the above-identified application be accorded a filing date of June 20, 2011.

The petition is granted.

The application was filed on June 20, 2011. On June 30, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant, *inter alia*, that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the present petition and avers that drawings are not necessary for an understanding of the subject matter sought to be patented.

The application complies with the patent statute and regulations based upon applicant's assertion that the figures are not necessary for an understanding of the invention. Based upon Applicant's assertion, a filing date may be accorded the application papers deposited on June 20, 2011. Accord MPEP 601.01(f).

Receipt of the petition fee is hereby acknowledged.

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.

This application is being referred to the Office of Patent Application Processing, Customer Corrections, for further processing;

- with the filing date of June 20, 2011, using the application papers filed on that date, and an indication that no drawings were present or required on filing.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: STEINFL & BRUNO
301 N. LAKE AVENUE
SUITE 810
PASADENA, CA 91101

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STOUT, UXA, BUYAN
& MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

MAILED

AUG 04 2011

OFFICE OF PETITIONS

In re Application of :
Milbocker, et al. :
Application No. 61/499,642 : DECISION
Filed/Deposited: 21 June, 2011 :
Attorney Docket No. MB8562PR :

This is a decision on the petition filed on 18 July, 2011, pursuant to the regulations at 37 C.F.R. §1.53.

The petition pursuant to 37 C.F.R. §1.53 is **GRANTED in part and DISMISSED in part**.

BACKGROUND

A review of the record reflects that:

- The instant application was deposited on 21 June, 2011—therein, at page 5 of the specification, Applicant/Petitioner expressly listed at page 14 of 36 an intent to file accompanying drawings.

- On 6 July, 2011, the Office mailed a Notice of Incomplete Provisional Application, indicating therein that the application had not been accorded a filing date because it had been filed without drawing as required pursuant to 35 U.S.C§113 (first sentence).

- Thus the application was not accorded a filing date.

- The Office of Patent Application Processing (OPAP) indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawings were present on deposit, and provide a copy of the drawing figures, or to contend that drawings were not necessary for an understanding of the matter sought to be patented—Petitioner's alternative was to file a new provisional application because amendment of provisional applications is not permitted. (*See, inter alia*: 37 C.F.R. §1.53(c) and MPEP 201.04(b).)

- OPAP set a two- (2-) month period for reply.

- On 18 July, 2011, Petitioner submitted a petition seeking a filing date of 21 June, 2011, and expressly stated that—in contrast to the express statement of the application specification on deposit—"drawings are not necessary" for an understanding of the matter sought to be patented.

Petitioner did not contest that drawings were not deposited with the instant application, and did not provide any other evidence of receipt of such drawings by the Office—rather, Petitioner averred that drawings were/are not necessary for the understanding of the matter sought to be patented.

While it is the practice of the Office to treat an application that contains at least one process or method or composition claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence) (see : MPEP §601.01, and specifically MPEP §601.01(f)(A))—it was not necessarily clear on deposit the application that the instant application fell into such category(ies), and in light of Petitioner/Applicant's express statement of inclusion of drawings as the intended form of the application on deposit, it is not considered an error on the part of the Office to have initially determined the application one requiring drawings under statute.

Again, as noted above, on 18 July, 2011, Petitioner expressly limited his request for relief to a focus on his statement that drawings "are not necessary to understand the subject matter" sought to be patented.

Thus, the argument of the petition is construed for the purposes of this decision to mean that drawings are not necessary for understanding of the subject matter sought to be patented, and thus for a filing date in this application.

In the absence of entry by the Examiner of an amendment, drawing(s) will not be further considered as a part of this application.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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 petition under 37 C.F.R. §1.53 is **granted in part** to the extent that the application will be accorded the filing date of 21 June, 2011, without the drawings as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The petition fee is not waived (and so has been charged as authorized) in that the statement of Applicant and Petitioner/Counsel upon deposit was that several drawings were included, with an indication that they were a component/requirement of the application content.

This application is released to the Office of Patent Application Processing (OPAP) to be processed for correction of the filing date to 21 June, 2011, with the 36 pages of specification (description, claims, and abstract), deposited on 21 June, 2011, and **no** drawings as the original disclosure.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) 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/Caller'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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United States Patent and Trademark Office
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FEB 02 2012

OFFICE OF PETITIONS

DARDI & HERBERT PLLC
MOORE LAKE PLAZA SUITE 205
1250 EAST MOORE LAKE DRIVE
FRIDLEY MN 55432

In re Application of :
Raisin-Dadre, et al. :
Application No. 61/500,921 : ON PETITION
Filed: June 24, 2011 :
Attorney Docket No. 2177.34US01 :

This is in response to the petition under 37 CFR 1.182 to change the inventor's name, filed December 16, 2011.

The petition is **GRANTED**.

Office records have been changed to reflect the change in the inventor's name from Simon Jon Ennis to Simon Jon Onis.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application:	:	
Munzer et al.	:	
Application No. 61/501,009	:	ON PETITION
Filed: June 24, 2011	:	
Attorney Docket No. 12579-0011P01	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed July 1, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

MAR 01 2012

OFFICE OF PETITIONS

In re Application of :
GOLDEN, et al. :
Application No. 61/501,060 :
Filed: June 24, 2011 :
Attorney Docket No.: 3337.008PRV :

NOTICE

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed February 7, 2012 in the above-identified application. 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.

The fee deficiency submission under 37 CFR 1.28(c) is hereby **ACCEPTED**.

The additional fees of $140.00 (Fee Code 1461) have been charged to Deposit Account No. 19-0743, as authorized in the present request.

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 Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Chong Mook Park
4902 Sauquoit Lane
Annandale VA 22003

In re Application of :
Park : DECISION ON PETITION
Application No. 61/501,204 :
Effective Date: June 25, 2011 :
For: DUAL FUNCTION AIR :
REFRESHER APPLICABLE TO :
LIVESTOCK CONFINED FACILITIES :

MAILED
JAN 27 2012
OFFICE OF PETITIONS

The above-identified application has been forwarded to the Office of Petitions for consideration of the letter, filed November 28, 2011. This matter is being treated pursuant to 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

In accordance with 37 CFR 1.33(b), 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 patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The instant petition is not signed. Accordingly, a decision on the merits is not forthcoming.

Any request for reconsideration should include a petition properly signed in accordance with 37 CFR 1.33(b).

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

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

By facsimile: (571) 273-8300

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

The correspondence address of record differs from that contained in the instant petition. Petitioner may wish to utilize the enclosed changed of address form to effect a change in correspondence address. Please be advised that all future correspondence with respect to this application will continue to be directed to the correspondence address of record until receipt of proper instruction to the contrary.

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

Enclosure

CC: Chong Mook Park
7738 Leesburg Pike
Falls Church, VA 22043

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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DW Aug-11

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

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of :
Jianle Chen et al. :
Application No. 61/501,956 : ON PETITION
Filed: June 28, 2011 :
Atty Docket No. P125399 :

This is a decision on the "PETITION UNDER 37 C.F.R. §1.53," filed on July 29, 2011, requesting that the above-identified provisional application, without drawings, be accorded a filing date of June 28, 2011.

The petition is **GRANTED**.

The application was filed on June 28, 2011, without drawings. Accordingly, on July 14, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings.

In response, on July 29, 2011, the present petition was filed. Petitioner asserts that the drawings listed in the specification filed June 28, 2011 in the above-identified application, are not necessary under 35 U.S.C. § 113.

As stated in MPEP § 601.01(f), it is the practice of the USPTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

In view of counsel's assertion that the drawings are not necessary; drawings will not be further considered as a part of this case. The "Notice" mailed July 14, 2011, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of **June 28, 2011**, without drawings as a part of the original disclosure.

No petition fee is due. The request for refund of the $400.00 petition fee submitted with the above petition on July 29, 2011, is granted. Therefore, the petition fee of $400.00 will be credited to petitioner's credit card account as it is the method in which the fee was paid.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to **June 28, 2011**, and for an indication in Office records that no (0) drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RONALD I. EISENSTEIN
100 SUMMER STREET
NIXON PEABODY LLP
BOSTON, MA 02110

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of :
Nader Rahimi :
Application No. 61/503,392 : ON PETITION
Filed: June 30, 2011 :
Attorney Docket No.: 701586-069840-P :

This is a decision in response to the petition under 37 CFR 1.53(e)(2), filed August 24, 2011, which is being treated as a request to withdraw that the Notice of Omitted Item(s) in a Provisional Application mailed July 26, 2011.

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Susanna C. Benn appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

The petition is **DISMISSED**.

On June 30, 2011, applicant filed the above-identified application. However, on July 26, 2011, the Office mailed a Notice of Omitted Item(s) in a Provisional Application (Notice), stating that the application had been accorded a filing date of June 30, 2011, and advising applicant that Figures 1D, 1E 2D and 2E described in the specification appeared to have been omitted.

In response, on August 24, 2011, applicant filed the present petition, including the petition fee and an amendment. Applicant explains that Figures 1D is not missing, but rather mislabeled and that Figures 1E, 2D and 2E were typos in the specification, as these figures do not exist. Petitioner provides an amendment, stating that no new matter is contained therein.

Upon considering applicants' explanation, the Notice of July 26, 2011 was correct in stating that Figures 1D, 1E 2D and 2E described in the specification appeared to have been omitted. Therefore, the Notice of Omitted Item(s) in a Provisional Application was properly mailed and will not be withdrawn.

As the present petition was not necessitated by any error on the part of the USPTO, the petition fee will not be refunded.

The Office reminds applicant that amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application. MPEP 601.01(b). Likewise, in view of the relatively low filing fee for provisional applications, and the desire of the USPTO to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application. MPEP 601.01(d). Accordingly, the amendment filed August 24, 2011 will not be entered.

This application is being returned to the Office of Patent Application Processing for further processing with a filing date of June 30, 2011, using only the papers filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

MAILED
OCT 18 2011
OFFICE OF PETITIONS

In re Application of
Dale et al.
Application No. 61/503,833
Filed: July 1, 2011
Attorney Docket No. 23640-043

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, September 22, 2011, to correct the spelling of the name of inventor "Dan Raykhman" to – Dmitry Raykhman --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. It is noted a corrected Filing Receipt was mailed on September 28, 2011.

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 the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

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DUANE MORRIS LLP, IP DEPARTMENT (BOCA RATON)
SUITE 300
2700 NORTH MILITARY TRAIL
BOCA RATON FL 33431-1808

MAILED

SEP 15 2011

OFFICE OF PETITIONS

In re Application: :
Kinskey et al. :
Application No. 61/503,954 : ON PETITION
Filed: July 1, 2011 :
Attorney Docket No. F6029-18001 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 25, 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 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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Zhenyu Lu
3563 E. Handcart Ln.
Boise ID 83716

MAILED

SEP 13 2011

OFFICE OF PETITIONS

In re Application of :
Lu et al. :
Application No. 61/504,186 : DECISION ON PETITION
Filed: 08/03/2011 :
Title: LASER ALIGNMENT GUIDE FOR DRAWING AND CUTTING :

This is in response to the communication filed September 4, 2011, which is being treated as a petition to accord the above-identified provisional application a filing date of August 3, 2011.

On July 14, 2011, the Office mailed NOTICE OF INCOMPLETE PROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(c) (Notice), stating that a filing date had not been accorded to the above-identified provisional application papers because the application was deposited without drawings. The Notice indicated that the drawings must be submitted within TWO MONTHS of the date of the Notice, unless otherwise indicated, or the proceedings on the application would be terminated (37 CFR 1.53(e)). The Notice further indicated that the filing date would be the date of receipt of the drawings.

In response, applicants submitted ten sheets of drawings on August 3, 2011. On September 9, 2011, applicants filed the present petition requesting that the Office accord the above-identified provisional application a filing date of August 3, 2011, the date applicants submitted drawings. Thereafter, on September 12, 2011, the Office accorded the application a filing date of August 3, 2011, and mailed a corrected filing receipt reflecting the filing date.

As the application has been accorded a filing date of August 3, 2011, the petition is **dismissed as moot**.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Shumaker & Sieffert, P.A.
1625 Radio Drive, Suite 300
Woodbury MN 55125

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Application of :
Lantian Zheng and :
Dennis Weng : ON PETITION
Application No. 61/504,566 :
Filed: June 28, 2008 :
Atty Docket No. #HS P270609 :

This is in response to the "Petition Under 37 CFR 1.182" filed January 6, 2012.

For the reasons stated herein, the petition is **dismissed as unnecessary**. Nonetheless, the inventor's name has been changed in the records of the Office.

Petitioner requests to correct an inventor's name from "Lantian Zang" to "Lantian Zheng." There is no change of individual or change of legal name rather the inventor's name was misspelled on filing of this provisional application. On July 29, 2011 (and again on September 21, 2011), petitioner submitted a supplemental Application Data Sheet showing this correction.

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, nor is a new oath or declaration under 37 CFR 1.63 needed[1]. All that is required is notification to the Office of the error[2].

[1] It was confirmed by the undersigned that Office policy has been clarified since the issuance of the Office responses denying a corrected filing receipt. No petition is necessary to correct spelling error.

[2] Applicants are strongly encouraged to use an application data sheet, especially in a nonprovisional application. 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.

The inventor's name has been corrected in the records of the Office. A copy of the corrected filing receipt showing the correction is enclosed.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/504,566	07/05/2011		0.00	1133-229USP1		

CONFIRMATION NO. 4569

CORRECTED FILING RECEIPT

98449
Shumaker & Sieffert, P.A.
1625 Radio Drive, Suite 300
Woodbury, MN 55125

Date Mailed: 02/01/2012

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)

Lantian Zheng, San Jose, CA;
Dennis Zhi Weng, San Jose, CA;

Power of Attorney:
Raymond Berdie--50769

If Required, Foreign Filing License Granted: 07/22/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/504,566**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

NOTIFICATION OF EVENT BY MOBILE COMMUNICATIONS DEVICE USING RADIO FREQUENCY TRANSMITTER

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

MAILED
SEP 22 2011
OFFICE OF PETITIONS

In re Application of :
David B. Stokes :
Application No. 61/504,758 : DECISION ON PETITION
Filed: July 6, 2011 :
Attorney Docket No. 208-6195PR :

This is a decision on the petition under 37 CFR 1.53(e), filed September 16, 2011, requesting that the above-identified application be accorded a filing date of July 6, 2011.

The above-identified application was deposited on July 6, 2011. On August 29, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application, stating that a filing date had not been accorded to the provisional application papers because the application was deposited without drawings.

On September 7, 2011, petitioner submitted one drawing sheet in response to the Notice of Incomplete Provisional Application. Thereafter, the Office accorded the application a filing date of September 7, 2011, the date of deposit of the drawing sheet in the USPTO.

On September 16, 2011, petitioner filed the present petition and a $400.00 petition fee. Petitioner asserts that he has determined that drawings are not necessary for the understanding of the subject matter sought to be patented. Petitioner requests that the Office accord the application a filing date of July 6, 2011, without any drawings.

As stated in MPEP § 601.01(f), it is the practice of the Office 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.

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in

MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains at least one process claim. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice of Incomplete Provisional Application was mailed in error and is hereby withdrawn.

The petition is **granted**. The application will be accorded a filing date of July 6, 2011, without any drawings as a part of the original disclosure. The petition fee of $400.00 is unnecessary and will be refunded in due course.

This matter is being referred to the Office of Patent Application Processing to correct the filing date to July 6, 2011, with zero "0" sheets of drawings as part of the original disclosure.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Duane Morris LLP, IP Department (Boca Raton)
Suite 300
2700 North Military Trail
Boca Raton FL 33431-1808

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of
Kinskey, et al.
Application No. 61/505,697
Filed: July 8, 2011
Attorney Docket No. **F6029-18101**

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OAKLAND LAW GROUP PLLC
38955 HILLS TRECH DRIVE
FARMINGTON HILLS MI 48331

MAILED

NOV 09 2011

OFFICE OF PETITIONS

In re Application of :
David Ryan Anderson et al. :
Application No. 61/506,786 : DECISION GRANTING PETITION
Filed: July 12, 2011 :
Attorney Docket No. **2004.1000** :

This is a decision on the petition filed September 22, 2011, requesting that the above-identified provisional application be accorded a filing date of July 12, 2011. The petition is being treated under 37 CFR 1.53

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on July 12, 2011, without drawings. Accordingly, on July 22, 2011, the Office of Data Management mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition argues that drawings are not necessary for an understanding of the subject matter sought to be patented, and requests that the application be accorded a filing date of July 12, 2011.

Based on petitioners argument, this application will be accorded a filing date of July 12, 2011. Petitioner is advised, however, that this decision does not constitute a determination in accordance with 35 U.S.C. § 113 (first sentence). However, the "Notice" was correct in stating that the application appeared to have been incomplete. Thus, the petition fee in the amount of $400.00 has been charged to the credit card provided.

The application will be processed for filing date purposes using the application papers present on July 12, 2011.

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 drawings included, petitioners should file a new completed provisional application.

This matter is being referred to the Office of Patent Application Processing for processing with a filing date of July 12, 2011, 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.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED
MAR 01 2012
OFFICE OF PETITIONS

In re Application of :
MYERS, et al. :
Application No. 61/506,990 : NOTICE
Filed: July 12, 2011 :
Attorney Docket No.: 3337.007PRV :

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed February 7, 2012 in the above-identified application. 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.

The fee deficiency submission under 37 CFR 1.28(c) is hereby **ACCEPTED**.

The additional fees of $140.00 (Fee Code 1461) have been charged to Deposit Account No. 19-0743, as authorized in the present request.

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 Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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CURATOLO SIDOTI CO LPA
24500 CENTER RIDGE ROAD SUITE 280
CLEVELAND OH 44145

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application of :
Yang, et al. :
Application No. 61/508,389 : ON PETITION
Filed: July 15, 2011 :
Attorney Docket No. GIV.P30546P :

This is in response to the "REQUEST TO CORRECT MISPELLED INVENTORS' NAMES", filed August 4, 2011.

Applicants hve requested to correct the spelling of the name of inventor Xingping Liu to Xinping Liu and Ann Fu to Xun Fu.

The request is **GRANTED**.

Office records have been changed to reflect the change in the spelling of the inventors' names.

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: corrected filing receipt (3 pages)

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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/508,389	07/15/2011		270	GIV.P30546P		

CONFIRMATION NO. 9684

CORRECTED FILING RECEIPT

23575
CURATOLO SIDOTI CO., LPA
24500 CENTER RIDGE ROAD, SUITE 280
CLEVELAND, OH 44145

Date Mailed: 08/18/2011

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)

Xiaogen Yang, West Chester, OH;
Elisabetta Lubian, Zurich, SWITZERLAND;
Harry Renes, Lelystad, NETHERLANDS;
Sander Tondeur, Loosdrecht, NETHERLANDS;
Stephan Haiber, Naarden, NETHERLANDS;
Xinping Liu, Valley Park, MO;
Xun Fu, Cincinnati, OH;

Power of Attorney:
Salvatore Sidoti--43921

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 07/25/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/508,389**

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

Non-Publication Request: No

Early Publication Request: No

Title

Flavour Modifying Compounds

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

OHLANDT, GREELEY, RUGGIERO & PERLE,LLP
MEDICIS PHARMACEUTICAL CORPORATION
ONE LANDMARK SQUARE
10TH FLOOR
STAMFORD CT 06901-2682

MAILED

NOV 16 2011

OFFICE OF PETITIONS

In re Application of :
Bakan et al. : DECISION ON PETITION
Application No. 61/508,487 :
Filed: July 15, 2011 :
Atty Docket No.0007675USP/4195:

This is a decision on the PETITION UNDER 37 C.F.R. 1.53(e) filed November 3, 2011. Applicants request that the above-identified application be accorded a filing date of July 15, 2011.

The petition is **GRANTED**.

For the reasons stated herein, the NOTICE OF TERMINATION OF PROCEEDINGS UNDER 37 CFR 1.53(e) mailed November 3, 2011 is hereby withdrawn.

Application papers in the above-identified application were deposited on July 15, 2011. However, on July 26, 2011, the Office of Patent Application Processing mailed applicants a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application had not been accorded a filing date because the application was filed without drawings.

No response having been received within two (2) months, on November 3, 2011, applicants were mailed a NOTICE OF TERMINATION OF PROCEEDINGS.

On the same day, November 3, 2011, applicants filed this petition asserting that the application as deposited was entitled to a filing date of July 15, 2011. Specifically, applicants assert that drawings are not necessary for understanding of the subject matter sought to be patented.

Having considered the circumstances of this case, it is concluded that discretion will be exercised in favor of applicants and that the petition will be considered outside of the two (2) months set for reply. See 37 CFR 1.181. Further, withdrawal of the Termination of Proceedings is appropriate.

With respect to the merits of the petition, it is controlling that applicants indicate that the drawings are NOT necessary to establish a filing date, and consistent with such a conclusion, the application as filed included at least one method claim.

It is the practice of the Office to treat an application that contains at least one process or method (or composition) 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). MPEP § 601.01(f).

A review of the original application papers deposited on July 15, 2011, reveals that they contained at least one method claim. Thus, the application, containing a specification and at least one claim was complete within the meaning of 37 CFR §1.53(b), and entitled to a filing date of July 15, 2011.

Accordingly, the petition is granted to the extent that the provisional application will be accorded the July 15, 2011 filing date with no drawings as a part of the original disclosure of the application.

Moreover, MPEP §601.01(f) also states that:

> ...a provisional application having at least some disclosure, directed to subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application without all of the drawing figures referred to in the specification as discussed in MPEP §601.01(g), so long as the application contains something that can be construed as a written description.

And, MPEP § 601.01(g) further provides that:

> If the application is filed without all of the drawing figure(s) referred to in the specification, ..., OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers so deposited have been accorded a filing date, but are lacking some of the figures of the drawings described in the specification.

It is noted that, in this instance, as provided for in MPEP 601.01(f) and (g), the application should have been accorded a filing date of July 15, 2011, and applicants mailed a "Notice of Omitted Items" (not a "Notice of Incomplete Provisional Application" - no filing date accorded).

Given the basis for granting the petition, the petition fee is being refunded.

The application is being forwarded to the Office of Patent Application Processing for:

- **according of a filing date of July 15, 2011** using the application papers received in the Office and presently accorded that date;
- withdrawal of the NOTICE OF TERMINATION OF PROCEEDINGS mailed November 3, 2011; and
- indication in Office records, as appropriate, that 0 sheets of drawings were present in the application on filing.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SYNGENTA BIOTECHNOLOGY, INC.
PATENT DEPARTMENT
3054 CORNWALLIS ROAD
P.O. BOX 12257
RESEARCH TRIANGLE PARK NC 27709-2257

MAILED
SEP 16 2011
OFFICE OF PETITIONS

In re Application of :
Shib Sankar Basu :
Application No. 61/508,609 : DECISION GRANTING PETITION
Filed: July 15, 2011 :
Attorney Docket No. **73248 US _PSP** :

This is a decision on the petition filed September 2, 2011, requesting that the above-identified provisional application be accorded a filing date of July 15, 2011. The petition is being treated under 37 CFR 1.53

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on July 15, 2011, without drawings. Accordingly, on August 5, 2011, the Office of Data Management mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition argues that drawings are not necessary for an understanding of the subject matter sought to be patented, and requests that the application be accorded a filing date of July 15, 2011.

Based on petitioners argument, this application will be accorded a filing date of July 15, 2011. Petitioner is advised, however, that this decision does not constitute a determination in accordance with 35 U.S.C. § 113 (first sentence). However, the "Notice" was correct in stating that the application appeared to have been incomplete. Thus, the petition fee in the amount of $400.00 has been charged to petitioner's deposit account.

The application will be processed for filing date purposes using the application papers present on July 15, 2011.

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 drawings included, petitioners should file a new completed provisional application.

This matter is being referred to the Office of Patent Application Processing for processing with a filing date of July 15, 2011, 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.

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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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of :
Stuart Anderson Cox :
Application No. 61/510,255 : DECISION ON PETITION
Filed: July 21, 2011 :
Attorney Docket No. 58402 :

This is a decision on the request filed August 11, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web.

The Office has accepted petitioner's statement as an assertion that the duplicate application was filed by mistake. Accordingly, the filing fee of $220.00, submitted on July 21, 2011, has been credited to petitioner's deposit account no. 18-2220.

As no further action will be taken in this application, this matter is being referred to the Office of Patent Publication for express abandonment of the subject application.

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

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

MAILED
FEB 17 2012
OFFICE OF PETITIONS

In re Application of Fisher et al. :
Application No. 61/510,830 : Decision on Petition
Filing Date: July 22, 2011 :
Attorney Docket No. 150234PRV :

This is a decision on the petition under 37 CFR 1.182 filed January 4, 2012.

The application data sheet filed with the original application papers identifies the inventors as Mark Fisher and Keith Dunnavant.

The petition requests the Office change the names of the inventors to:

1. Mark Thomas Fisher, and

2. Bryan Keith Dunnavant.

The petition is **granted** and Office records have been amended to identify the inventors as Mark Thomas Fisher and Bryan Keith Dunnavant.

The petition is part of a reply to a notice issued by the Office of Patent Application Processing ("OPAP"). Therefore, OPAP will be informed the petition has been granted.

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

Attached: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/510,830	07/22/2011		270	150234PRV		

CONFIRMATION NO. 9575

CORRECTED FILING RECEIPT

25944
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Date Mailed: 02/16/2012

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)

MARK THOMAS FISHER, Reston, VA;
BRYAN KEITH DUNNAVANT, Lexington, VA;

Power of Attorney:
Daniel Tanner III--54734
Jennifer Andrew--61185

If Required, Foreign Filing License Granted: 08/01/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/510,830**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

UNIQUE DOAS SYSTEM DESIGNED FOR INTEGRATION WITH RECIRCULATION AIR HANDLING SYSTEMS

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing

of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of

State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Paper No.

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

MAILED
DEC 12 2011
OFFICE OF PETITIONS

In re Application of :
Harper et al. : DECISION ON PETITION
Application No. 61/511,319 :
Filed: July 25, 2011 :
Attorney Docket No. **28335/45714** :

This is a decision on the "PETITION FOR INVENTOR NAME CHANGE PURSUANT TO 37 C.F.R. §1.182," filed November 16, 2011.

Petitioner requests that the name of inventor Sara Garwick be corrected to Sara Coppens. The petition includes the required petition fee of $400. The petition includes a copy of the "certified abstract of marriage," establishing the change of name by virtue of marriage.

MPEP 605.04(c) provides that:

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The instant petition meets the requirements of MPEP 605.04(c).

Accordingly, the petition is **GRANTED**.

The inventor's name is changed in the records of the Office to Sara Eileen Coppens.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MALLOY & MALLOY
2800 S.W. THIRD AVENUE
HISTORIC CORAL WAY
MIAMI FL 33129

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Pretto et al.	:	
Application No. 61/512,096	:	DECISION
Filed: September 13, 2011	:	ON PETITION
Atty Docket No. 1.948.11	:	

This is in response to the "PETITION TO CORRECT THE FILING DATE OF A PROVISIONAL PATENT APPLICATION," filed September 30, 2011.

Application papers in the above-identified application were deposited on July 27, 2011. However, on August 16, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application," stating that the application had not been accorded a filing date because the application was deposited without drawings.

In response, applicant timely filed the instant petition. Applicant argues that 1) EFS-WEB Error Resulted in Failure to Upload Drawing File, 2) Drawings Are Fully Supported By the Specification and Do NOT Incorporate New Subject Matter, and 3) Drawings Are NOT Necessary to Establish A Filing Date.

These arguments have been considered. The first two arguments are not persuasive. 35 U.S.C. 111(b)(4) provides that:

> The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

Petitioner acknowledges that drawings were not present in the application as electronically filed. Their designee uploaded the application without drawings upon having difficulty uploading the drawings. The only basis for which petitioner

argues that this EFS-WEB filing error should be excused is that other practitioners have experienced such uploading difficulties. There is no showing of an attempt to file the drawings by Express Mail to retain the filing date or that any contingency option for filing was in place.

Further, it is not relevant in this provisional application that the drawings are fully supported by the specification and do not incorporate new subject matter. No amendment may be made in a provisional application. Thus, this application may not be amended to add the drawings on the basis that the drawings are not new matter.

Nonetheless, with respect to the final argument, it is controlling that petitioner states that the drawings are NOT necessary to establish a filing date, and consistent with such a conclusion, the application as filed included composition claims.

It is the practice of the Office to treat an application that contains at least one process or method (or composition) 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). MPEP § 601.01(f).

A review of the original application papers filed July 27, 2011, reveals that they contained at least one composition claim. Thus, the application, containing a specification and at least one claim was complete within the meaning of 37 CFR §1.53(b), and entitled to a filing date of July 27, 2011.

Accordingly, the petition is granted to the extent that the provisional application will be accorded the July 27, 2011 filing date with no drawings as a part of the original disclosure of the application.

However, in regards to withdrawing the Notice, MPEP §601.01(f) also states that:

> ...a provisional application having at least some disclosure, directed to subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application without all of the drawing figures

referred to in the specification as discussed in MPEP §601.01(g), so long as the application contains something that can be construed as a written description.

And, MPEP § 601.01(g) further provides that:

> If the application is filed without all of the drawing figure(s) referred to in the specification, ..., OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers so deposited have been accorded a filing date, but are lacking some of the figures of the drawings described in the specification.

Given the basis for granting the petition, the petition fee is being refunded.

This application is being forwarded to the Office of Patent Application Processing for:

- **Correction of the filing date to July 27, 2011;**
- **Mailing of a corrected filing receipt; and**
- **Indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.**

Applicant will receive appropriate notifications regarding any missing items or fees owed, and other information in due course from the Office of Patent Application Processing.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
61/513,326	07/29/2011	Arsen R. HAJIAN	045327-70	1083

EXAMINER

7590 08/17/2011

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

ART UNIT	PAPER NUMBER

NOTIFICATION DATE	DELIVERY MODE
08/17/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☑ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
2200 Pennsylvania Avenue, N.W.
WASHINGTON DC 20037

MAILED

OCT 31 2011

OFFICE OF PETITIONS

In re Application of :
Berger :
Application No. 61/513,923 : ON PETITION
Deposited: August 1, 2011 :
Attorney Docket No. 76541.000003 :

This is in response to the "PETITION UNDER 37 C.F.R. § 1.53(e)," filed October 6, 2011, requesting that the above-referenced application be accorded a filing date of August 1, 2011. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on August 1, 2011. However, on August 12, 2011, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Provisional Application," notifying applicants, *inter alia*, that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be accorded the requested filing date on the grounds that drawings are not necessary for an understanding of the subject matter sought to be patented.

Petitioner's arguments and evidence have been considered and found persuasive. A review of the application reveals that, as filed, the application contained at least one method claim. 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).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Provisional Application.

---

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

To the extent the instant petition requests a filing date of August 1, 2011 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, petitioners are entitled to a refund of the previously submitted petition fee of $400.00. A refund will issue in due course.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to August 1, 2011**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW Sep-11

ANGLEHART ET AL.
1939 DE MAISONNEUVE OUEST
MONTREAL QC H3H 1K3 CA CANADA

MAILED
SEP 23 2011
OFFICE OF PETITIONS

In re Application of :
Ngoc-Lan Nguyen, et al. :
Application No.: 61/514,189 : ON PETITION
Filed: August 2, 2011 :
Attorney Docket No.: P1291US00 :

This is a decision in response to the petition, filed September 12, 2011, requesting that the above-identified provisional application, without drawings, be accorded a filing date of August 2, 2011.

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. James Anglehart appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The application was filed on August 2, 2011, without drawings. Accordingly, on August 23, 2011, the Office of Data Management, Application Assistance Unit mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings.

On September 12, 2011, the present petition was filed. Petitioner concedes that the application was filed without drawings, but asserts that drawings are not necessary for an understanding of the subject matter sought to be patented.

MPEP § 601.01(f) states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

In view of the above, the "Notice" mailed August 23, 2011, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of August 2, 2011, without drawings as a part of the original disclosure.

Since the petition was necessitated by an error on the part of the USPTO, no petition fee is necessary. The $400 petition fee is being credited to counsel's credit card.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to August 2, 2011.

Telephone inquiries specific to this matter should be directed to the undersigned at 571-272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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MAR 13 2012

OFFICE OF PETITIONS

FISH & RICHARDSON P.C. (DC)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Jeffrey Glasse, David Sosnow,	:	DECISION ON PETITION
Joshua Hartung, Michael Rogers,	:	PURSUANT TO
and James McGuire	:	37 C.F.R. § 1.182
Application No. 61/514,377	:	
Filed: August 2, 2011	:	
Attorney Docket No. 30083-0004P01	:	
Title: PANORAMIC AFOCAL ATTACHMENT	:	

This is in response to the petition filed on January 31, 2012, pursuant to 37 C.F.R. § 1.182, requesting a change of the name of the inventor. Specifically, Petitioner has requested that "Michael Rogers" be changed to "John Michael Rogers."

This petition is **DISMISSED.**

With this petition, Petitioner has included the petition fee and a Supplemental Application Data Sheet (ADS) which lists the preferred version of the inventor's name.

This petition cannot be granted however, since Petitioner has failed to submit a statement from the inventor that has been signed in both forms of the inventor's name, averring one to be the correct version of his name, and the other to be the incorrect version of his name. Moreover, the Supplemental ADS cannot be entered as it has not been titled as a "Supplemental Application Data Sheet." [1]

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.182. Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and

[1] MPEP § 601.05 indicates that any ADS that is submitted to "correct, modify, or augment the original application data, the ADS, even though it is the first-filed ADS, must be titled 'Supplemental Application Data Sheet." 37 C.F.R. § 1.76(c)(2) states that "Supplemental application data sheets...must be titled 'Supplemental Application Data Sheet."

extensions of time under 37 C.F.R. § 1.136(a) are not permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

On renewed petition, Petitioner should submit:

1. **a statement from the inventor that has been signed in both forms of the inventor's name, averring one to be the correct version of his name, and the other to be the incorrect version of his name, and;**

2. **a properly titled and executed Supplemental ADS.**

Any subsequent filing pertaining to this matter should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

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.[6] All other inquiries concerning examination procedures should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300: please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
6 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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
SEP 20 2011
OFFICE OF PETITIONS

Ballard Spahr LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of :
SHANNON, RICHARD :
Application No. 61/515,390 : ON PETITION
Filed: August 5, 2011 :
Attorney Docket No. 26273.0001U1 :

This is a decision on the petition under 37 CFR 1.53(e) filed on September 9, 2011, requesting that the Office accord the above-identified provisional application a filing date of August 5, 2011.

On August 5, 2011, applicants deposited the above-identified provisional application without drawings. On August 19, 2011, the Office mailed a Notice of Incomplete Provisional Application, indicating that the application had not been accorded a filing date because the application had been deposited without drawings.

On September 9, 2011, applicants filed the present petition requesting that the application be accorded a filing of August 5, 2011. Applicants assert that drawings are not necessary for the understanding of the subject matter sought to be patented.

A review of the provisional application papers deposited on August 5, 2011, reveals that the application contains method claims. As stated in MPEP § 601.01(f), it is the practice of the USPTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which

> a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

As this application contains method claims, it should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g). MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed, indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice of Incomplete Provisional Application was sent in error. The above-identified application will be accorded a filing date of August 5, 2011, without any drawings.

Accordingly, the petition is **granted** to the extent indicated above. The $400.00 petition fee is unnecessary and will be refunded to the Deposit Account in due course.

This application is being forwarded to the Office of Patent Application Processing to accord the application a filing date of **August 5, 2011**, with "0" sheets of drawings, and to mail a corrected filing receipt.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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APR 16 2012
OFFICE OF PETITIONS

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of :
Chidambaran, et al. :
Application No. 61/516,099 : ON PETITION
Filed: March 28, 2011 :
Attorney Docket No. **41424-701.101**

This is a decision on the petition under 37 CFR §1.137(b), March 21, 2012, to revive the above-identified application.

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

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Provisional Application mailed April 13, 2011. The notice set a shortened period for reply of two months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). No response was received within the allowable period and the application became abandoned on June 14, 2011. A Notice of Abandonment was mailed on December 21, 2011.

The provisional coversheet and surcharge were received on March 21, 2012.

The request for an extension of time within the fifth month is noted, but cannot be granted because the request was made outside the maximum period for reply to the Notice to File Missing Parts of Nonprovisional Application. The amount of $1,345.00 will be refunded, in due course.

It is noted that the subject provisional application expired on March 28, 2012.

The application file will be directed to the Office of Patent Application Processing for further processing.

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

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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JUN 14 2011

OFFICE OF PETITIONS

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

In re Application of :
Williard F. Hagan, et al. :
Application No.: 61/516,681 : DECISION GRANTING PETITION
Filed: April 5, 2011 :
Attorney Docket No.: 411868022US1 :

This is a decision on the petition under 37 CFR 1.10(d) filed May 2, 2011, requesting that the above-identified application be accorded a filing date of April 5, 2011, instead of the presently accorded date of May 6, 2011.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service with the U. S. Postal Service (USPS) on April 5, 2011. In support, petitioners provide: (1) a Declaration by Peter H. Sher, a paralegal at the law firm of Perkins Cole, LLP, stating that he initiate the Express Mail process on the automated mailing machine located in the lobby of the Queen Anne Post Office in Seattle Washington on April 5, 2011; (2) a copy of the receipt for Express Mail label, dated April 5, 2011; and (3) a copy of a letter signed by Customer Service Supervisor Reuben R. Roque, an employee of the USPS, stating that Express mail item # #M509272353US was "accepted and dropped in our Automated Postal Machine on April 5, 2011". It is noted that the same express mail label number appears on the transmittal letter found in the file.

Paragraph (d) of 37 CFR 1.10 states:

> "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."

All of the above requirements have been met. Accordingly, the petition is GRANTED.

In view of the above, the $130 fee submitted with the present petition is being refunded in the form of a credited to counsel's deposit account.

This application file is being referred to the Office of Patent Application Processing (OPAP) for **correction of the filing date to April 5, 2011 and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 3204. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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Alexandria, VA 22313-1450
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Roy L. Schneider
PO Box 22
St. Thomas VI 00804-0022

MAILED
MAY 18 2011
OFFICE OF PETITIONS

In re Application of:
Roy Lester Schneider
Application No. 61/516930
Filing or 371(c) Date: 01/04/2011
Title of Invention:
INITIAL LABEL FOR LUGGAGE

In re Application of:
Roy Lester Schneider
Application No. 29/382516
Filing or 371(c) Date: 01/04/2011
Title of Invention:
INITIAL LABEL FOR LUGGAGE

DECISION ON PETITION

This is a decision on the correspondence filed March 28, 2011, requesting conversion of the present application to a provisional application. The correspondence is properly treated as a petition under 37 CFR 1.182.

Background

The application was filed via the Electronic Filing System ("EFS"), on January 4, 2011.

The Office mailed a Notice of Incomplete Nonprovisional Application on January 14, 2011, informing applicant that a filing date had NOT been accorded the application because the specification did not include at least one claim.

The present petition

In response to the Notice, applicant files the present petition wherein applicant avers that on January 4, 2011, applicant submitted all information for a Provisional Application, including a Provisional Application for Patent Cover Sheet.

Review of the Application File

A review of Office records reveals that on January 4, 2011, applicant filed a two-page document, along with $110.00. This Office issued an Electronic Acknowledgment Receipt noting as the application type: Design. No Provisional Application for Patent Cover Sheet has been located among the application papers deposited on January 4, 2011.

The best evidence of what was filed is Applicant's Electronic Acknowledgment Receipt. "A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO[1]." MPEP § 503.

Here, the Official record, as well as Applicant's Electronic Acknowledgment Receipt, confirm that a Design application was filed, and that no Provisional Application for Patent Cover Sheet was filed.

As such, there was no error in the filing on the part of this Office.

Petitioner is advised that the fee for filing a petition under 37 CFR 1.182, to convert the pesent application to a provisional application, is $400.00. Before the petition may be granted, the petition fee is required.

Conclusion

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include the petition fee.

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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[1] An acknowledgment receipt is a legal equivalent of a post card receipt described in the Manual of Patent Examining Procedure (MPEP), Section 503. See, 1315 OG 57; 72 Fed. Reg. 2770 (23 Jan 2007).

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Office of Technology Transfer
570 Devall Drive
Suite 102
Auburn AL 36832

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of :
CUPP et al. :
Application No. 61/517,074 : DECISION ON PETITION
Filed: April 3, 2011 :
Attorney Docket No. INV. 98-006 :

This is a decision on the petition filed July 11, 2011, requesting that the above-identified provisional application be accorded a filing date of April 3, 2011, without the submission of drawings.

On April 3, 2011, applicant deposited this application with the United States Patent and Trademark Office (Office) without drawings. On May 10, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (Notice), stating that the application had not been accorded a filing date as the application was filed without drawings.

On July 11, 2011, applicant submitted the present petition and a check in the amount of $400.00 for the petition fee. In the present petition, applicant requested that the above-identified application be accorded a filing date of April 3, 2011, the date the application was deposited with the Office without drawings. Specifically, applicant stated the drawings were not necessary for the understanding of the subject matter sought to be patented.

A review of the record reveals the application papers deposited on April 3, 2011, did not include any drawings. 35 U.S.C. 113, first sentence states, "The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented."

In this case, a registered practitioner attested to the fact and signed a statement indicating that the drawings are **not** necessary for the understanding of the subject matter sought to be patented.

In view of the above, the petition is granted.

The application will be processed with a filing date of April 3, 2011, as requested in the petition, without any drawings.

The Office will not refund the $400.00 petition fee because the filing of the present petition was not caused by an error on the part of the Office.

The Office of Patent Application Processing is directed to process the application with a filing date of April 3, 2011, with zero (0) sheets of drawings.

Telephone inquiries specific to this matter 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

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Scott Andrews
915 Western Ave.
Petaluma CA 94952

MAILED

MAR 26 2012

OFFICE OF PETITIONS

In re Application of
Andrews et al.
Application No.61/517,584
Filed: March 1, 2011
For: SYSTEM AND METHOD FOR EFFICIENT INFORMATION DISTRIBUTION AND DATA COLLECTION IN LOCATION AWARE COMMUNICATION NETWORKS

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 1, 2012, 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 May 19, 2011. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 20, 2011. A Notice of Abandonment was mailed January 27, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the filing fee and $25 surcharge, (2) the petition fee of $930.00, 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.

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.

Petitioner is reminded subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will not be regarded as pending after twelve months from its filing date under any circumstances.

This application is being referred to the Office of Patent Application Processing for further processing.

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

/Charlema Grant/
Charlema Grant
Attorney Advisor
Office of Petitions

Cc: Patrick E. Caldwell
The Caldwell Firm, LLC
P.O. Box 59655
Dallas, Texas 75229-0655

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MAILED
MAR 16 2012
OFFICE OF PETITIONS

FRANK LEE AIROSO
2173 ZUMWALT
TULARE CA 93274-9620

In re Application of :
Frank Lee Airoso :
Application No. 61/518,574 : ON PETITION
Filed: May 9, 2011 :
Title: Trailer Lowers Cargo Area to Ground Level Can be Attached to Front Wheel Drive Truck Also :

This is a decision on the letter, filed September 22, 2011, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application was filed on May 9, 2011, along with $125 to cover the provisional application filing fee for a small entity. However, the provisional application filing fee for a small entity at that time was $110. Moreover, applicant did not properly check the box to assert small entity status on

the provisional application cover sheet. As such, small entity status was not claimed. Accordingly, the Office properly mailed a Notice to File Missing Parts of Provisional Application on June 17, 2011. This Notice required the missing balance of the provisional filing fee for a non-small entity, or $95 ($220 - $125). In addition, the Notice also required the $50 surcharge for late submission of the provisional application filing fee. The Notice set an extendable period for reply of two months.

On September 9, 2011, Applicant submitted $145 as required by the Notice. However, the $145 was not timely, as it was not accompanied by a one month extension of time. As such, the application became abandoned by operation of law on August 18, 2011. On September 12, 2011, Applicant submitted the provisional application cover sheet with the small entity box checked. The Office mailed a Notice of Abandonment on February 27, 2012.

As set forth above, the abandonment in this instance was proper and will not be withdrawn. Applicant may wish to consider reviving the application under 37 CFR 1.137(b).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m) - currently $930 for a small entity; (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

Enclosed for petitioner's convenience is a blank copy of Form PTO/SB/64 (petition to revive based on unintentional delay).

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/64 (2 pages)
Privacy Act Statement (1 page)

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JASON P. WEBB
1204 W SOUTH JORDAN PKWY
STE B2
SOUTH JORDAN UT 84095

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of :
Ross :
Application No. 61/519,679 : DECISION
Filed/Deposited: 27 May, 2011 :
Attorney Docket No. 3671.2.2EP :

This is a decision on the petition filed on 29 June, 2011, pursuant to the regulations at 37 C.F.R. §1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

A review of the record reflects that:

- The instant application was deposited on 27 May, 2011.
- On 10 June, 2011, the Office mailed a Notice of Incomplete Provisional Application, indicating therein that the application had not been accorded a filing date because it had been filed without drawing as required pursuant to 35 U.S.C§113 (first sentence).
- Thus the application was not accorded a filing date.
- The Office of Patent Application Processing (OPAP) indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawings were present on deposit, and provide a copy of the drawing figures, or to contend that drawings were not necessary for an understanding of the matter sought to be patented—Petitioner's alternative was to file a new provisional application because amendment of provisional applications is not permitted. (*See, inter alia*: 37 C.F.R. §1.53(c) and MPEP 201.04(b).)
- OPAP set a two- (2-) month period for reply.

- On 29 June, 2011, Petitioner submitted a petition seeking a filing date based upon a statement claiming incorporation of prior published applications.

This is not proper—no claim can be made in a provisional application as to reference to a prior application. A provisional application may not seek a reference (pursuant, for example to the regulations at 37 C.F.R. §1.57 or §1.78) to a prior application. . (*See, inter alia*: 37 C.F.R. §1.53(c) and MPEP 201.04(b).)

CONCLUSION

The petition is **dismissed**.

If Petitioner chose not to contend that drawings were not necessary for an understanding of the matter sought to be patented, Petitioner's alternative was and remains to file a new provisional application.

The application is released to OPAP for such processing as is necessary.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

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JASON P. WEBB
1204 W SOUTH JORDAN PKWY
STE B2
SOUTH JORDAN UT 84095

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of :
Ross :
Application No. 61/519,679 : DECISION
Filed/Deposited: 27 May, 2011 :
Attorney Docket No. 3671.2.2EP :

This is a decision on the petition filed on 21 July, 2011, pursuant to the regulations at 37 C.F.R. §1.53.

The petition pursuant to 37 C.F.R. §1.53 is **GRANTED in part and DISMISSED in part**.

BACKGROUND

A review of the record reflects that:

- The instant application was deposited on 27 May, 2011.
- On 10 June, 2011, the Office mailed a Notice of Incomplete Provisional Application, indicating therein that the application had not been accorded a filing date because it had been filed without drawing as required pursuant to 35 U.S.C§113 (first sentence).
- Thus the application was not accorded a filing date.
- The Office of Patent Application Processing (OPAP) indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawings were present on deposit, and provide a copy of the drawing figures, or to contend that drawings were not necessary for an understanding of the matter sought to be patented—Petitioner's alternative was to file a new provisional application because amendment of provisional applications is not permitted. (*See, inter alia*: 37 C.F.R. §1.53(c) and MPEP 201.04(b).)
- OPAP set a two- (2-) month period for reply.

- On 29 June, 2011, Petitioner submitted a petition seeking a filing date based upon a statement claiming incorporation of prior published applications. The request was not proper—no claim can be made in a provisional application as to reference to a prior application. A provisional application may not seek a reference (pursuant, for example to the regulations at 37 C.F.R. §1.57 or §1.78) to a prior application. . (*See, inter alia*: 37 C.F.R. §1.53(c) and MPEP 201.04(b).) The petition was dismissed on 18 July, 2011.

- On 21 July, 2011, Petitioner re-advanced his petition—this time expressly limiting his request for relief to a focus on his statement that drawings "are not necessary to understand the subject matter" sought to be patented.

Petitioner does not contest that drawings were not deposited with the instant application, and does not provide any other evidence of receipt of such drawings by the Office—rather, Petitioner avers that drawings are not necessary for the understanding of the matter sought to be patented.

It is the practice of the Office to treat an application that contains at least one process or method or composition claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence) (see : MPEP §601.01, and specifically MPEP §601.01(f)(A)).

Again, as noted above, on 21 July, 2011, Petitioner re-advanced his petition—this time expressly limiting his request for relief to a focus on his statement that drawings "are not necessary to understand the subject matter" sought to be patented.

Thus, the argument of the petition is construed for the purposes of this decision to mean that drawings are not necessary for understanding of the subject matter sought to be patented, and thus for a filing date in this application.

In the absence of entry by the Examiner of an amendment, drawing(s) will not be further considered as a part of this application.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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 petition under 37 C.F.R. §1.53 is **granted in part** to the extent that the application will be accorded the filing date of 27 May, 2011, without the drawings as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The petition fee is not waived in that the statement of Applicant and Counsel upon deposit was that:

> What is claimed: One or more of: a stochastic processing module, a RIC module, a protocol module, a stochastic scaffolding module and a URNG module *** .

Petitioner/Applicant made no statement of system, method, composition.

This application is released to the Office of Patent Application Processing (OPAP) to be processed for correction of the filing date to 27 May, 2011, with the 7 pages of specification (description, claims, and abstract), deposited on 27 May, 2011, and **no** drawings as the original disclosure.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) 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/Caller'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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICES OF JOHN P. MCGONAGLE
800 HINGHAM STREET - 2N
ROCKLAND, MA 02370

MAILED
JAN 1 1 2012
OFFICE OF PETITIONS

In re Application of :
Donna Maligno :
Application No. 61/519,953 : DECISION GRANTING PETITION
Filed: June 2, 2011 :
Attorney Docket No. 7996 :

This is a decision on the petition under 37 CFR 1.10(c), filed July 29, 2011, requesting that the above-identified application be accorded a filing date of June 1, 2011, rather than the presently accorded date of June 2, 2011.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 1, 2011 pursuant to 37 CFR 1.10. In support, applicants have submitted a copy of the USPS Track & Confirm showing that the package was processed thru the Sort Facility on June 1, 2011 at 9:03 pm with an Express Mail label receipt number of EH25 4527 507US. The same Express Mail receipt number was placed on the original patent application transmittal letter of record in the official file.

To substantiate petitioner's assertion that the package in question was deposited with the USPS as Express Mail on June 1, 2011, petitioner has provided a copy of the USPS Express Mail Track and Confirm records, which resulted in a finding that the package in question was in fact accepted on June 1, 2011 at the USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on June 1, 2011. Accordingly, the instant application is entitled to a filing date of June 1, 2011, and has been so accorded.

In view of the above, the petition is **granted**.

Telephone inquiries concerning this matter may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4100.

This application is being forwarded to the Office of Initial Patent Examination for processing with a filing date of June 1, 2011.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John Houze Jr.
3820 Micheline Ct.
P.O. Box 23260
Richmond VA 23223

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of :
John Houze, Jr. :
Application No. 61/520,019 : DECISION ON PETITION
Effectively Filed: June 3, 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 August 26, 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 John Houze, Jr., attesting to his 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 a Technology Center for action on the merits commensurate with this decision.

/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

THE LAW OFFICE OF
MICHAEL E. KONDOUDIS
888 16TH STREET, N.W.
SUITE 800
WASHINGTON DC 20006

MAILED
SEP 20 2011
OFFICE OF PETITIONS

In re Application of :
GAVISH, et al :
Application No. 61/521,796 : NOTICE
Filed: August 10, 2011 :
Attorney Docket No. 1600.0112P :

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 **NOT ACCEPTED.**

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(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 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.

As indicated above, the submission filed August 15, 2011, does not include a proper itemization. In this regard, the Office cannot determine the type of fee that was erroneously paid as small entity. See Item A above.

This itemization must be provided within one (1) month of the mail date of this decision to avoid the return of the deficiency payment. See 37 CFR 1.28 (c)(3). No extension of this 1-month time limit will be granted under 37 CFR 1.136(a).

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

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MAILED

NOV 18 2011

OFFICE OF PETITIONS

THE LAW OFFICE OF
MICHAEL E. KONDOUDIS
888 16TH STREET, N.W.
SUITE 800
WASHINGTON DC 20006

In re Application of :
GAVISH, et al :
Application No. 61/521,796 : NOTICE
Filed: August 10, 2011 :
Attorney Docket No. 1600.0112P :

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.**

In reference to petitioner's statement regarding "only a single fee has been paid," petitioner's attention should be directed to 37 CFR 1.28(3) which states:

*"If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, 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."*

As indicated above, the Office clearly used its discretion and required petitioner to comply within one-month and not pay an additional $130 fee as set forth in 37 CFR 1.17(i). The additional payment of the $130 resulted in two fees being submitted and an itemization or clarification was needed since no additional fee was required.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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OSLER, HOSKIN & HARCOURT LLP (OSLER OTTAWA)
1000 DE LA GAUCHETIERE STREET WEST
SUITE 2100
MONTREAL QC H3B-4W5 CA
CANADA

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re application of :
Phillip G. Jessop :
Application No. 61/522,424 :
Filed: August 11, 2011 :
Attorney Docket No. 1131849 (PPR21457) :

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

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TAYLOR ENGLISH DUMA LLP
1600 PARKWOOD CIRCLE, SUITE 400
ATLANTA GA 30339

MAILED

NOV 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Fleury et al.	:	
Application No. 61/523,274	:	DECISION ON PETITION
Filed: August 12, 2011	:	
Attorney Docket No. 191322-8800	:	

This is a decision on the petition under 37 CFR 1.182, filed, October 26, 2011, to change the name of inventor "Varma Dintakurti" to – Ganapathi Deva Varma Dintakurti–.

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.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206. Any questions concerning the examination procedures or status of the application should be directed to the Office of Patent Application Processing.

/Liana Walsh/
Liana Walsh
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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/523,274	08/12/2011		270	191322-8800		

CONFIRMATION NO. 9974

CORRECTED FILING RECEIPT

94104
Taylor English Duma LLP
1600 Parkwood Circle, Suite 400
Atlanta, GA 30339

OC000000051078465

Date Mailed: 11/21/2011

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)

Leo W. Fleury JR., Smithfield, RI;
Shabbir Yusuf, Mississauga, CANADA;
James O. Williams, Marlborough, MA;
Andrea Myles, Toronto, CANADA;
Werner Guenther Richarz, Thornhill, CANADA;
Ganapathi Deva Varma Dintakurti, Brampton, CANADA;

Power of Attorney:
Jeffrey Kuester--34367

If Required, Foreign Filing License Granted: 08/23/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/523,274**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

HYDRANT LEAK DETECTOR COMMUNICATION DEVICE, SYSTEM, AND METHOD

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international

application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national

security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

MAILED

NOV 09 2011

OFFICE OF PETITIONS

In re Application of :
Tianxin YANG :
Application No. 61/525,543 :
Filed: August 19, 2011 :
Attorney Docket No. 083404-0298 :

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.59(b), filed August 22, 2011, to expunge information submitted under MPEP 724.05(II).

The petition under 37 CFR 1.59(b) is **GRANTED.**

Petitioner requests that the document titled "Provisional Patent Application Transmittal," which relates to Electronic Acknowledgement Receipt (EFS ID: 10777335) filed August 19, 2011, be expunged from the application file. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective 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 in interest on whose behalf the information was submitted, and the information has not otherwise been made public.

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

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).

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

In view of the above, the document titled "Provisional Patent Application Transmittal," which relates to Electronic Acknowledgement Receipt (EFS ID: 10777335), filed August 19, 2011 will be removed from the file.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ZACHARY SHEETZ
1921 PITTSBURGH ST
CONNELLSVILLE PA 15425

MAILED

NOV 16 2011

OFFICE OF PETITIONS

In re Application of :
Zachary Adam Sheetz :
Application No. 61/526,059 : DECISION DISMISSING PETITION
Filed: August 22, 2011 :
Title of Invention: MUTO ARMOR :

This decision is in response to the petition filed October 26, 2011 in response to the Notice of Omitted Items mailed September 16, 2011. The petition is treated under 37 CFR 1.182.

The petition is **DISMISSED**.

The application was filed August 22, 2011, however, on September 16, 2011, the Office of Data Management mailed a "Notice" stating that the application had been accorded a filing date of August 22, 2011, but that Figure(s) 3,1; 3,3; and 3,5 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners argue that no Figures were missing on August 22, 2011. Instead, the petition argues that the Figures were mislabeled. Replacement drawings are submitted with the petition to correct the labels and therefore to show that Figure(s) 3,1; 3,3; and 3,5 were not omitted.

While the figures were mislabeled and therefore no drawings were actually missing on August 22, 2011, the error occurred as a result of the applicants' filing error. In view thereof, the "Notice" mailed on September 16, 2011 was correct in stating that Figure(s) 3,1; 3,3; and 3,5 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Petitioner, however, 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 well, the option to take the later filing date, *i.e.*, the date of submission of the omitted page(s) or drawing(s), is not available.[1] As such, if petitioners desire to have the correctly labeled pages entered to reflect Figure(s) 3,1; 3,3; and 3,5, petitioners should simply file a new completed provisional application.

The application will be processed and examined using the application papers filed on August 22, 2011.

The petition fee in the amount of $400 has been applied.

The application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of August 22, 2011, using the application papers filed on that date.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1]MPEP 601.01(d). In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of submission in provisional applications. The applicant should simply file a new completed provisional application. Id.

UNITED STATES PATENT AND TRADEMARK OFFICE

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ZACHARY SHEETZ
1921 PITTSBURGH ST
CONNELLSVILLE PA 15425

MAILED

FEB 08 2012

OFFICE OF PETITIONS

In re Application of :
Zachary Adam Sheetz :
Application No. 61/526,059 : DECISION DISMISSING PETITION
Filed: August 22, 2011 :
Title of Invention: MUTO ARMOR :

This is a decision on the communication filed December 27, 2011, requesting that the above-identified application be accorded a filing date of August 22, 2011, in response to the Notice of Omitted Items mailed September 16, 2011. The response is treated as a petition under 37 CFR 1.182.

The petition is **DISMISSED**.

The application was filed August 22, 2011, however, on September 16, 2011, the Office of Data Management mailed a "Notice" stating that the application had been accorded a filing date of August 22, 2011, but that Figure(s) 3,1; 3,3; and 3,5 described in the specification appeared to have been omitted. In response on October 26, 2011, a petition was filed. Petitioners argued that no Figures were missing on August 22, 2011 and instead, the Figures were mislabeled. Replacement drawings wer submitted with the petition to correct the labels and therefore to show that Figure(s) 3,1; 3,3; and 3,5 were not omitted. The petition was dismissed in a decision mailed November 16, 2011 because while the figures were mislabeled and therefore no drawings were actually missing on August 22, 2011, the error occurred as a result of the applicants' filing error. In view thereof, the "Notice" mailed on September 16, 2011 was correct in stating that Figure(s) 3,1; 3,3; and 3,5 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Comes now petitioner with the instant response and a "revised drawing 3 and revised written part (in its entirety)".

The drawings and the specification provided with the instant response are of record. However, as was previously advised in the decision mailed November 16, 2011, 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 well, the option to take the later filing date, *i.e.*, the date of submission of the omitted page(s) or drawing(s), is not available.[1] As such, if petitioners desire to have the correctly labeled pages entered to reflect Figure(s) 3,1; 3,3; and 3,5, petitioners should simply file a new completed provisional application.

The application has been processed using the application papers filed on August 22, 2011.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1]MPEP 601.01(d). In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of submission in provisional applications. The applicant should simply file a new completed provisional application. Id.

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CUTLER & DONAHOE, LLP
P.O. BOX 1400
100 N. PHILLIPS AVE., STE. 901
SIOUX FALLS SD 57101

MAILED

NOV 01 2011

OFFICE OF PETITIONS

In re Application of :
Alfred Issaka Chislain Sankara :
Application No. 61/526,803 : DECISION ON PETITION
Filed: August 24, 2011 :
Attorney Docket No. 3708.01 :

This is a decision on the petition filed September 16, 2011 and supplemented on September 27, 2011, under 37 CFR 1.182, for a change in the name of the inventor "Alfred Issaka Chislain" to –Alfred Issaka Chislain Sankars --.

The petition is **GRANTED**.

Office records have been updated to reflect the change in the inventor's name. A corrected Filing Receipt, which reflects the change in the inventor's name, accompanies this decision on petition.

The fee for the above petition is $400.00 as was submitted on September 16, 2011. The Office is unclear as to what the petition fee of $50.00 submitted on September 27, 2011, is for.

Further the request for refund of the petition fee of $400.0 is dismissed since the fee is required for the above petition under 37 CFR 1.182. Note 37 CFR 1.17(f).

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

/KOC/
Karen Creasy
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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/526,803	08/24/2011		110	3708.01		

CONFIRMATION NO. 4265

CORRECTED FILING RECEIPT

11026
Cutler & Donahoe, LLP
P.O. Box 1400
100 N. Phillips Ave., Ste. 901
Sioux Falls, SD 57101

OC000000050723140

Date Mailed: 11/01/2011

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)

Alfred Issaka Chislain Sankara, Mitchell, SD;

Power of Attorney:
Jared Clark--62062

If Required, Foreign Filing License Granted: 09/01/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/526,803**

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

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

SYSTEM AND METHOD FOR COLLECTING DONATIONS

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MAILED

SEP 22 2011

OFFICE OF PETITIONS

Mr. Christopher John Rourk
Jackson Walker LLP
901 Main Street, Suite 6000
DALLAS TX 75202

In re Application of :
Johnson, et al. :
Application No. 61/528,650 : NOTICE
Filed: August 29, 2011 :
Attorney Docket No. 107687.00029 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHOOK, HARDY & BACON L.L.P.
(NIKE, INC.)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BLVD.
KANSAS CITY MO 64108-2613

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of :
Roether, et al. :
Application No. 61/529,049 : ON PETITION
Filing: August 30, 2011 :
Atty. Dkt. No. NIKE.162534 :

This decision is in response to petition filed September 21, 2011 to accord the above-identified application a filing date of August 30, 2011 with Fig. 8 as part of the original disclosure of application.

The application was filed August 30, 2011. The Notice of Omitted Item(s) in a Provisional Application (Notice) mailed September 9, 2011 by the Office of Patent Application Processing (OPAP) indicated that the application had been accorded a filing date, but that Fig. 8 appeared to have been omitted from the application papers as filed.

The Notice, *inter alia*, indicated:

> "Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the provisional application papers, a copy of this Notice and a petition (and $400.00 petition fee *(37 CFR 1.17(f))*, which will be refunded if it is determined that the item was in fact received by the USPTO), with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.
>
> The failure to file a petition (and petition fee) within TWO MONTHS of the date of this Notice *(37 CFR 1.181(f))* will be treated as a constructive acceptance by the applicant of the provisional application as deposited in the USPTO. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b). In the absence of a timely petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit."

Petitioners herein argue that the drawings were inadvertently omitted when the application was deposited with the USPTO via EFS.

Petitioners request entry of Fig. 8 into the record and also request that the application maintain a filing date of August 30, 2011. The petition is accompanied by a copy of previously omitted Fig. 8.

The petition has been carefully reviewed, but is not persuasive.

The USPTO file is the official record of the papers originally filed in this application. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. A review of the record, including review of the EFS Acknowledgement Receipt, reveals that a total of seven sheets of drawings were filed on August 30, 2011 and that Fig. 8 was not amongst the application papers received on that date.

Petitioners have provided no evidence of receipt of the omitted figure. Instead, petitioners' acknowledge that Fig. 8 was inadvertently omitted from the application. Accordingly, petitioners have failed to establish that the application is entitled to a filing date August 30, 2011 with Figure 8 as part of the original disclosure. Therefore, the application will retain a filing date of August 30, 2011 without Fig. 8 being entered into the record of the application.

To continue to petition for a date of deposit, applicant must submit a request for reconsideration establishing that the omitted item was deposited in the U.S. Patent and Trademark Office (USPTO) with the provisional application papers.

The petition fee submitted herewith will not be refunded as the petition was not necessitated due to Office error.

This application is being directed to the Office of Patent Application Processing for further processing with a filing date of August 30, 2011, without entry of Figure 8 into the record.

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
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Paper No.

MAHAMEDI PARADICE
KREISMAN LLP
550 Winchester Boulevard
Suite 605
SAN JOSE CA 95128

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of :
Chen et al. : DECISION ON
Application No. 61/529,771 : PETITION
Filed: August 31, 2011 :
Attorney Docket No. FOTO.P440P :

This is in response to the "PETITION REGARDING NOTICE OF OMITTED ITEMS IN A PROVISIONAL APPLICATION" filed September 27, 2011, requesting that the above-identified provisional application be accorded a filing date of August 31, 2011 with figure 2 considered part of the original application disclosure.

Application papers in the above-identified provisional application were deposited on August 31, 2011. However, on September 20, 2011, the Office sent a NOTICE OF OMITTED ITEMS IN A PROVISIONAL APPLICATION, notifying applicants that the application papers had been accorded a filing date; however, Figures 2 and 9 described in the specification appeared to have been omitted from the application.

Petitioners timely responded with the instant petition (and petition fee). Petitioners contend that the provisional application does not omit any figures, and in fact, figure 2 is located on page 13 of the specification, which is labeled page 4 in the footer of the provisional patent application. With respect to figure 9, Petitioners stated that it is not omitted from the specification. Rather, it is nonexistent; there is no figure 9.

A review of the application as filed reveals that it included what petitioners call a footer, which may be known as an Appendix. The Appendix, which is separate from the

specification, includes figure 2. Thus, it is concluded that drawing figure 2 was present in the provisional application upon filing. However, the drawing was not set forth appropriately on a drawing sheet. Rather, figure 2 was intertwined in the text of the footer (or appendix) thus, obscuring its identification as figure 2. The presence of figure 2 in the footer (or appendix) led the Office to properly issue a Notice of Omitted Item(s). The figure did appear to be omitted.

Accordingly, the petition is **GRANTED**.

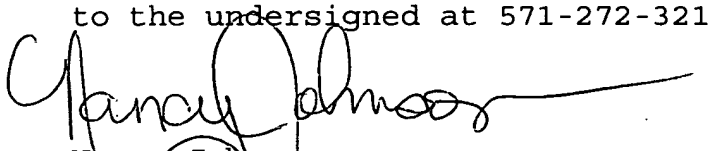
However, as the petition was not necessitated by Office error but by the manner in which applicants presented figure 2 to the Office, the request to refund the fee is denied.

This provisional application is being forwarded to the Office of Patent Application Processing for:

- further processing with a filing date of August 31, 2001, using the application papers received in the Office and presently accorded that date; and

- correction of Office records, as appropriate, to indicate that figure 2 was present in the application on filing, albeit in the footer (or appendix).

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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MATHEWS SHEPHERD MCKAY & BRUNEAU PA
29 THANET ROAD SUITE 201
PRINCETON NJ 08540

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Fotinos, et al. :
Application No. 61/530,069 : DECISION GRANTING PETITION
Filed: September 1, 2011 :
Attorney Docket No. 5902-102P US

This is a decision on the petition filed October 25, 2011, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of September 1, 2011.

The petition is **GRANTED**.

The application was deposited on September 1, 2011. However, on September 15, 2011, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application", stating that the application had not been accorded a filing date because the application was deposited without drawings.

As stated in MPEP § 601.01(f), it is the practice of the PTO 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).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

The instant provisional application contains disclosure for which a drawing is usually not considered essential for a filing date Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

In view of the above, the "Notice of Incomplete Provisional Application" mailed September 15, 2011 (and again on October 18, 2011), was mailed in error and is hereby **withdrawn**.

The Office should have instead mailed a Notice of Omitted Items in a Provisional Application.

As the instant petition was due to USPTO error, the $400 petition is being refunded to petitioner.

The application is being forwarded to the Office of Patent Application Processing for further processing as a provisional application with a filing date of September 1, 2011, and for indication that "0" sheets of drawings were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
William Daniel Ogles :
Application No. 61/530,103 : ON PETITION
Filed: September 1, 2011 :
Attorney Docket No. 15181/2 :

This is a decision on the petition under 37 CFR 1.182, filed October 12, 2011, to change the name of the inventor.

The petition is **GRANTED**.

The name of the inventor has been changed from **Dan Ogles** to **William Daniel Ogles**.

The application file is being referred to the Office of Data Management for further processing.

A petition under 37 CFR 1.182 requires a fee of $400, as set forth in 37 U.S.C. 1.17(f). As authorized, the remaining balance of $350 will be charged to deposit account number 11-0600.

An updated Filing Receipt sets forth the changes as requested. A copy was mailed on October 14, 2011.

Telephone inquiries regarding this decision may be directed to Kimberly Inabinet (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED

FEB 23 2012

OFFICE OF PETITIONS

In re Application of
William Daniel Ogles
Application No. 61/530103
Filed: September 1, 2011
Attorney Docket No. 1518/2

: DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed February 10, 2012.

The request is **DISMISSED**.

Applicant files the above request for refund and states that "On October 12, 2011, Applicant had filed a request to correct the inventor's name in the subject provisional application. ... The required 37 CFR § 1.17(q) petition fee of $50.00 was paid by credit card. The USPTO charged the fee set forth under 37 CFR 1.17(f) in the amount of $400, crediting the $50 paid under 37 CFR § 1.17(q) towards that fee, then charging an additional $350 to the Deposit Account of Kenyon & Kenyon LLP, Deposit Account No. **11-0600**."

Applicant further states that "The $350.00 fee was charged in error by the USPTO. Please credit the refund of $350.00 to the Deposit Account of Kenyon & Kenyon LLP, Deposit Account No. **11-0600**."

However, applicant is advised that the petition fee for the filing of a petition under 37 CFR 1.182 is that of $400.00 as required by 37 CFR 1.17(f). Therefore, the request for refund is dismissed as the petition was filed under 37 CFR 1.182 on October 12, 2011.

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
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Alexandria, VA 22313-1450
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MAILED
DEC 19 2011
OFFICE OF PETITIONS

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of	:	
William Daniel Ogles	:	
Application No. 61/530,138	:	DECISION ON PETITION
Filed: September 1, 2011	:	
Attorney Docket No. 15181/3	:	

This is a decision on the petition under 37 CFR 1.182, filed, October 12, 2011, to change the name of inventor "Dan Ogles" to – William Daniel Ogles --.

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.

Any questions concerning this matter may be directed to Terri Johnson at (571) 272-2991. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing for further processing.

/Terri Johnson/
Terri Johnson
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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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/530,138	09/01/2011		270	15181/3		

CONFIRMATION NO. 8064

CORRECTED FILING RECEIPT

23838
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Date Mailed: 12/14/2011

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)

William Daniel Ogles, Cambridge, MA;

Power of Attorney:
Amit Mahtani--68252

If Required, Foreign Filing License Granted: 09/13/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/530,138**

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

Non-Publication Request: No

Early Publication Request: No
Title

ISOMETRIC ENGINE FOR A TILE-BASED GAME BOARD

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

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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

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of :
Fareed Behmaram-Mosavat :
Application No. 61/530,574 : ON PETITION
Filed: September 2, 2011 :
Attorney Docket No. 15181/4 :

This is a decision on the petition under 37 CFR 1.182, filed October 12, 2011, to change the name of the inventor.

The petition is **GRANTED**.

The name of the inventor has been changed from **Fareed Mosavat** to **Fareed Behmaram-Mosavat**.

The application file is being referred to the Office of Data Management for further processing.

A petition under 37 CFR 1.182 requires a fee of $400, as set forth in 37 U.S.C. 1.17(f). As authorized, the remaining balance of $350 will be charged to deposit account number 11-0600.

An updated Filing Receipt sets forth the changes as requested. A copy was mailed on October 14, 2011.

Telephone inquiries regarding this decision may be directed to Kimberly Inabinet (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED

FEB 23 2012

OFFICE OF PETITIONS

In re Application of
Behmaram-Mosavat
Application No. 61/530,574
Filed: September 2, 2011
Attorney Docket No. 15181/4

DECISION ON REQUEST FOR REFUND

This is a decision on the Request For Refund filed February 10, 2012.

The request is **DISMISSED**.

Applicant files the above request for refund and states that "On October 12, 2011, Applicant had filed a request to correct the inventor's name in the subject provisional application. ... The required 37 CFR § 1.17(q) petition fee of $50.00 was paid by credit card. The USPTO charged the fee set forth under 37 CFR 1.17(f) in the amount of $400, crediting the $50 paid under 37 CFR § 1.17(q) towards that fee, then charging an additional $350 to the Deposit Account of Kenyon & Kenyon LLP, Deposit Account No. **11-0600**."

Applicant further states that "The $350.00 fee was charged in error by the USPTO. Please credit the refund of $350.00 to the Deposit Account of Kenyon & Kenyon LLP, Deposit Account No. **11-0600**."

However, applicant is advised that the petition fee for the filing of a petition under 37 CFR 1.182 is that of $400.00 as required by 37 CFR 1.17(f). Therefore, the request for refund is dismissed as the petition was filed under 37 CFR 1.182 on October 12, 2011.

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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King & Spalding LLP
401 Congress Avenue
Suite 3200
Austin TX 78701

(For Petitioner)

MAILED

DEC 02 2011

OFFICE OF PETITIONS

In re Application of Liu *et al.*
Appl. No.: 61/533,172
Filing Date: 09/09/2011
Title: LIGHT-BASED DERMATOLOGICAL DEVICE
Attorney Docket No.: 16591.105073

DECISION
ON
ACCESS

This is in response to the November 1, 2011 paper entitled "Expedited Petition under M.P.E.P. 106 and 37 C.F.R. § 1.182 to Prevent Mr. Robert Grove from Accessing U.S. Provisional Patent Application 61/533,172."

The petition is before the Office of Patent Legal Administration for decision.

The petition is **DISMISSED.**

FACTS

On November 1, 2011 petitioner filed a request to prevent a co-inventor, Mr. Robert Grove, from obtaining access to the 61/533,172 application (the '172 application) in accordance with MPEP 106, concurrently with a Statement under 37 CFR 3.73(b) and various employee agreements in an attempt to establish that TRIA Beauty, Inc. retains the entire right, title and interest as assignee of the '172 application.[1]

DECISION

MPEP § 106 states:

> The assignee of record of the entire interest in an application may intervene in the prosecution of the application, appointing an attorney or agent of his or her own choice. See 37 CFR 3.71. Such intervention, however, does not exclude the applicant from access to the application to see that it is being prosecuted properly, unless the assignee makes specific request to that effect. Any request to prevent

[1] The authority of signatory of the Statement under 37 CFR 3.73(b) to act on behalf of assignee is based upon the policy of MPEP 324 (V)(B) and is NOT based upon his title/status as "Attorney for Applicant". See MPEP 324 (V)(A).

> the inventor from obtaining access to the file should be filed as a separate paper, 37 CFR 1.4(c), and should be directed to the Office of Petitions. If the request is granted, the inventor will be informed that he or she will only be permitted to inspect the application on sufficient showing why such inspection is necessary to conserve his or her rights, *In re The Kellogg Switchboard & Supply Company*, 1906 C.D. 274 (Comm'r Pat. 1906). Of course, after the application has published pursuant to 35 U.S.C. 122(b), the application will be available to the public and any restriction on the inventor to access his or her application previously granted will no longer be in effect.

This decision is in response to the petition filed on November 1, 2011 by Mr. Eric M. Grabski for TRIA Beauty Inc., requesting that the inventor, Mr. Robert Grove, be excluded from access to the application. In accordance with Manual of Patent Examining Procedure, Section 106, inventor access can only be prevented via petition by the assignee of record of the entire interest in an application. For the reasons noted below, petitioner has not established that it is the assignee of the entire interest. Therefore, the petition is dismissed.

The Statement under 37 CFR 3.73(b)

The statement under 37 CFR 3.73(b) is defective because petitioner has stated that TRIA Beauty, Inc. is the assignee of the entire right, title and interest in the instant application (i.e., Box 1 on the PTO/SB/96). However, the documentary evidence at Reel 027150, Frame 0758 shows an assignment from only three of the five inventors, or an undivided interest in the entirety of a complete assignment from three of the five joint inventors. Such an assignment is consistent with Box 3 on the PTO/SB/96, and not Box 1 on the PTO/SB/96. Further, petitioner has admitted on the record that the two remaining inventors, Mr. Robert Grove and Mr. Mark Weckwerth, have not assigned their rights to the instant application and only have an "obligation to assign."[2] Because the statement under § 3.73(b) was not accurately identified the extent of ownership of the application, it is improper and cannot be accepted.

The Employee agreements of Mr. Robert Grove and Mr. Mark Weckwerth

Petitioner has not established on the record that the employee agreements of Mr. Robert Grove and Mr. Mark Weckwerth constitute a present assignment. The main thrust and bulk of the petition is dedicated to the circumstances that justify expedition of the petition and not to fully explicate the basis for petitioner's asserted status as assignee of the entire interest of the instant application. Petitioner does not provide a statement from a party with firsthand knowledge in accordance with MPEP 409.03(f) to explain how Mr. Grove's and Mr. Weckwerth's employee agreements constitute a present assignment of the instant application, which they do not appear to do.[3] Petitioner makes the general allegation that the exhibited employee agreements constitute a legal obligation to assign. However, a legal obligation to assign does not constitute a present assignment of the instant application. Further, petitioner does not identify and explain the relevant sections of the employee agreements to constitute an assignment of the instant

[2] See petition at page 2, paragraph 3.

[3] The exhibited employee agreements of Mr. Grove and Mr. Werkwerth are substantially similar and thus the discussion of the employee agreement is equally applicable to both with regard to assignment.

application in accordance with MPEP 409.03(f). Sections six to eight of the original SpectraGenics, Inc. "Employee Nondisclosure and Assignment Agreement" appear to be the basis for the assertion that an "obligation to assign" exists. However, as previously noted, petitioner has not provided the appropriate memoranda explaining how the subject matter of the instant application is subject to the assignment, let alone the necessary detailed explanation as to how section six or section seven of the agreement are applicable. Further, there is no explication whether the instant application is exempted from assignment in accordance with section eight of the agreement. Please note that evidence regarding the company's name change (the assignment refers to one company, while the agreement refers apparently to an earlier name of the company set forth in the assignment), as opposed to petitioner's current mere assertion, needs to be provided. Thus, it is indeterminate from the evidence and arguments submitted whether the agreement even creates a legal "obligation to assign" the instant application to petitioner, let alone whether it constitutes a present assignment of the instant application

Accordingly, for all the reasons noted above, petitioner has not been established on record as the assignee of the entire interest of the instant application. Also note that power of attorney will not be accorded based upon exhibit A.[4] Thus, the petition to prevent a named inventor from access to the instant petition is dismissed.

CONCLUSION

1. The petition is **DISMISSED.**

2. Inquiries relating to this matter may be directed to Joseph F. Weiss, Jr. at (571) 272-7759.

HIRAM H. BERNSTEIN
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

[4] See MPEP 402.10

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King & Spalding LLP
401 Congress Avenue
Suite 3200
Austin TX 78701

(For Petitioner)

MAILED

DEC 02 2011

OFFICE OF PETITIONS

In re Application of Liu *et al.*
Appl. No.: 61/533,677
Filing Date: 09/12/2011
Title: LIGHT-BASED DERMATOLOGICAL DEVICE
Attorney Docket No.: 16591.105075

DECISION
ON
ACCESS

This is in response to the November 1, 2011 paper entitled "Expedited Petition under M.P.E.P. 106 and 37 C.F.R. § 1.182 to Prevent Mr. Robert Grove from Accessing U.S. Provisional Patent Application 61/533,677."

The petition is before the Office of Patent Legal Administration for decision.

The petition is **DISMISSED.**

FACTS

On November 1, 2011 petitioner filed a request to prevent a co-inventor, Mr. Robert Grove, from obtaining access to the 61/533,677 application (the '677 application) in accordance with MPEP 106, concurrently with a Statement under 37 CFR 3.73(b) and various employee agreements in an attempt to establish that TRIA Beauty, Inc. retains the entire right, title and interest as assignee of the '677 application.[1]

DECISION

MPEP § 106 states:

> The assignee of record of the entire interest in an application may intervene in the prosecution of the application, appointing an attorney or agent of his or her own choice. See 37 CFR 3.71. Such intervention, however, does not exclude the applicant from access to the application to see that it is being prosecuted properly, unless the assignee makes specific request to that effect. Any request to prevent

[1] The authority of signatory of the Statement under 37 CFR 3.73(b) to act on behalf of assignee is based upon the policy of MPEP 324 (V)(B) and is NOT based upon his title/status as "Attorney for Applicant". See MPEP 324 (V)(A).

> the inventor from obtaining access to the file should be filed as a separate paper, 37 CFR 1.4(c), and should be directed to the Office of Petitions. If the request is granted, the inventor will be informed that he or she will only be permitted to inspect the application on sufficient showing why such inspection is necessary to conserve his or her rights, *In re The Kellogg Switchboard & Supply Company*, 1906 C.D. 274 (Comm'r Pat. 1906). Of course, after the application has published pursuant to 35 U.S.C. 122(b), the application will be available to the public and any restriction on the inventor to access his or her application previously granted will no longer be in effect.

This decision is in response to the petition filed on November 1, 2011 by Mr. Eric M. Grabski for TRIA Beauty Inc., requesting that the inventor, Mr. Robert Grove, be excluded from access to the application. In accordance with Manual of Patent Examining Procedure, Section 106, inventor access can only be prevented via petition by the assignee of record of the entire interest in an application. For the reasons noted below, petitioner has not established that it is the assignee of the entire interest. Therefore, the petition is dismissed.

The Statement under 37 CFR 3.73(b)

The statement under 37 CFR 3.73(b) is defective because petitioner has stated that TRIA Beauty, Inc. is the assignee of the entire right, title and interest in the instant application (i.e., Box 1 on the PTO/SB/96). However, the documentary evidence at Reel 027150, Frame 0798 shows an assignment from only three of the five inventors, or an undivided interest in the entirety of a complete assignment from three of the five joint inventors. Such an assignment is consistent with Box 3 on the PTO/SB/96, and not Box 1 on the PTO/SB/96. Further, petitioner has admitted on the record that the two remaining inventors, Mr. Robert Grove and Mr. Mark Weckwerth, have not assigned their rights to the instant application and only have an "obligation to assign."[2] Because the statement under § 3.73(b) was not accurately identified the extent of ownership of the application, it is improper and cannot be accepted.

The Employee agreements of Mr. Robert Grove and Mr. Mark Weckwerth

Petitioner has not established on the record that the employee agreements of Mr. Robert Grove and Mr. Mark Weckwerth constitute a present assignment. The main thrust and bulk of the petition is dedicated to the circumstances that justify expedition of the petition and not to fully explicate the basis for petitioner's asserted status as assignee of the entire interest of the instant application. Petitioner does not provide a statement from a party with firsthand knowledge in accordance with MPEP 409.03(f) to explain how Mr. Grove's and Mr. Weckwerth's employee agreements constitute a present assignment of the instant application, which they do not appear to do.[3] Petitioner makes the general allegation that the exhibited employee agreements constitute a legal obligation to assign. However, a legal obligation to assign does not constitute a present assignment of the instant application. Further, petitioner does not identify and explain the relevant sections of the employee agreements to constitute an assignment of the instant

[2] See petition at page 2, paragraph 3.

[3] The exhibited employee agreements of Mr. Grove and Mr. Werkwerth are substantially similar and thus the discussion of the employee agreement is equally applicable to both with regard to assignment.

application in accordance with MPEP 409.03(f). Sections six to eight of the original SpectraGenics, Inc. "Employee Nondisclosure and Assignment Agreement" appear to be the basis for the assertion that an "obligation to assign" exists. However, as previously noted, petitioner has not provided the appropriate memoranda explaining how the subject matter of the instant application is subject to the assignment, let alone the necessary detailed explanation as to how section six or section seven of the agreement are applicable. Further, there is no explication whether the instant application is exempted from assignment in accordance with section eight of the agreement. Please note that evidence regarding the company's name change (the assignment refers to one company, while the agreement refers apparently to an earlier name of the company set forth in the assignment), as opposed to petitioner's current mere assertion, needs to be provided. Thus, it is indeterminate from the evidence and arguments submitted whether the agreement even creates a legal "obligation to assign" the instant application to petitioner, let alone whether it constitutes a present assignment of the instant application

Accordingly, for all the reasons noted above, petitioner has not been established on record as the assignee of the entire interest of the instant application. Also note that power of attorney will not be accorded based upon exhibit A.[4] Thus the petition to prevent a named inventor from access to the instant petition is dismissed.

CONCLUSION

1. The petition is **DISMISSED.**

2. Inquiries relating to this matter may be directed to Joseph F. Weiss, Jr. at (571) 272-7759.

HIRAM H. BERNSTEIN
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

[4] See MPEP 402.10

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600 TRAVIS, SUITE 4200
HOUSTON TX 77002

MAILED

MAR 09 2012

OFFICE OF PETITIONS

In re Application of
Jerry Stoller et al.
Application No. 61/533,872
Filed: September 13, 2011
Attorney Docket No. **200302/SOR059P**

: DECISION GRANTING PETITION

This is a decision on the petition filed February 14, 2012, requesting that the termination of proceedings be withdrawn and that the above-identified provisional application be accorded a filing date of September 13, 2011. The petition is being treated under 37 CFR 1.181 and under 37 CFR 1.53.

The petition under 37 CFR 1.181 is **GRANTED**.
The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on July 15, 2011, without drawings. Accordingly, on September 23, 2011, the Office of Data Management mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings. A response was filed October 14, 2011 however a second "Notice of Incomplete Provisional Application" was mailed October 19, 2011. No response having been filed, a Notice of Termination of Proceedings was mailed February 8, 2012.

The present petition argues that the response filed October 14, 2011 noted that drawings are not necessary for an understanding of the subject matter sought to be patented, and requested that the application be accorded a filing date of September 13, 2011.

Petitioner's arguments and evidence have been considered and in view thereof, the second Notice mailed October 19, 2011 should not have been mailed and thus the Notice of Termination of Proceedings mailed February 8, 2012 is hereby **WITHDRAWN**.

Furthermore, however, a review of the application also confirms that, as filed, the application contained at least one method claim. 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. The instant application should have been entitled to a filing date without drawings present in the application. Accordingly, at the outset, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a "Notice of Incomplete Provisional Application".

Based on the above and based on petitioner's argument, this application will be accorded a filing date of September 13, 2011. Petitioner is advised, however, that this decision does not constitute a determination in accordance with 35 U.S.C. § 113 (first sentence). However, the "Notice" was correct in stating that the application appeared to have been incomplete. Thus, the petition fee in the amount of $400.00 has been charged to petitioner's deposit account.

The application will be processed for filing date purposes using the application papers present on September 13, 2011.

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 drawings included, petitioners should file a new completed provisional application.

This matter is being referred to the Office of Patent Application Processing for processing with a filing date of September 13, 2011, 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.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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MORGAN, LEWIS & BOCKIUS, LLP. (PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO CA 94306

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application:	:	
Chien et al.	:	
Application No. 61/536,950	:	ON PETITION
Filed: September 20, 2011	:	
Attorney Docket No. 011493-5005PR	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 1, 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 inquiries 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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JAN 12 2012

OFFICE OF PETITIONS

Visa/Chadbourne & Parke LLP
30 Rockefeller Plaza
31st Floor
New York NY 10112

In re Application of :
Hammad :
Application No. 61/537,421 : ON PETITION
Filed: September 21, 2011 :
Atty Docket No. 108US01|20270-192PV :

This is a decision on the "PETITION TO ACCORD THE ORIGINAL FILING DATE," filed on December 14, 2011, which is treated as a petition under 37 CFR 1.182 requesting that the above-identified provisional application, without drawings, be accorded a filing date of September 21, 2011.

The petition is **GRANTED**.

The application was filed on September 21, 2011, without drawings. Accordingly, on October 14, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings. The Notice allowed a period for reply of two-months from its mailing date.

On December 14, 2011, the present petition was filed. Petitioners concede that the application was filed without drawings, but argue that the drawings are not necessary to understand the invention claimed and that the subject matter of the application would have been understood to a person having ordinary skill in the art even without those drawings.

MPEP § 601.01(f) states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but

filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

The arguments in the petition will be construed to mean that petitioner's counsel is asserting that drawings are not necessary for a filing date in this application. Drawings will not be further considered as a part of this case.

In view of the above, the "Notice" mailed October 14, 2011, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of September 21, 2011, without drawings as a part of the original disclosure.

No petition fee is due. The petition fee of $400.00 will be refunded, in due course.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to September 21, 2011, and issuance of a filing receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3222.

/Kenya McLaughlin/

Kenya McLaughlin
Petitions Attorney
Office of Petitions

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Christopher Darrow
Darrow Law Office
748 23rd Street
Suite 1
Santa Monica CA 90402

MAILED
DEC 06 2011
OFFICE OF PETITIONS

In re Application of :
Crouse : DECISION ON PETITION
Application No. 61/537,501 :
Filed: September 21, 2011 :
Atty. Dkt. No.: Mathemazing :

This decision is in response to the petition under 37 CFR 1.182, filed October 6, 2011, requesting that "the files previously uploaded be cleaned up and displayed on Private Pair in the same quality as the files that were originally uploaded."

The petition is DISMISSED.

Consultation with the Office of Patent Information Management reveals that rescanning the material at issue will not achieve the result desired by petitioner. It has been found that the display complained of is the result of the submission of pages that are abnormally small (5.65 x 4.20). Thus, as a result of the small page size and the dark backgrounds contained on some of the pages, it has been determined that rescanning the files will not improve the quality. Petitioner may elect to submit a duplicate copy of the material at issue, though the Office has made no such requirement to date.

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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WILMERHALE/BOSTON
60 STATE STREET
BOSTON MA 02109

MAILED
JAN 13 2012
OFFICE OF PETITIONS

In re Application of :
Hatton, et al. :
Application No. 61/538,100 : DECISION ON PETITION
Filed: September 22, 2011 :
Attorney Docket No. :
0042697.00335US2 HU-4109

This is a decision on the "PETITION IN RESPONSE TO OCTOBER 25, 2011 NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION", filed December 23, 2011, which is being treated as a request that the "Notice of Omitted Item(s)" mailed October 25, 2011 be withdrawn.

The petition is **DISMISSED**.

The application was filed on September 22, 2011. However, on October 25, 2011, the Office mailed a "Notice of Omitted Item(s) in a Provisional Application". The Notice informed applicants that the application had been accorded a filing date. However, Figure 6D as described in the specification appeared to have been omitted.

In response, Applicants filed the instant petition. Applicants explain that Figure 6D was not missing on September 22, 2011.

It is obvious from the petition that no drawings were actually missing on September 22, 2011. Rather, the drawing figures referenced in the specification were misnumbered as a result of applicants' filing error. However, the "Notice of Omitted Item(s)" mailed October 25, 2011 was correct in stating that Figure 6D as described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The application is being returned to the Office of Patent Application Processing for processing with a filing date of September 22, 2011, using the drawings filed on that date and the 1 page replacement drawing sheet filed on December 23, 2011.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of :
Chen et al. :
Application No. 61/538,378 : DECISION ON PETITION
Filed: September 23, 2011 :
Attorney Docket No. 23122-US-PSP :

This is a decision on the petition under 37 CFR 1.182, filed, January 9, 2012, to change the name of inventor "Hussam Hisham Stadheim" to – **Hussam Hisham Shaheen** --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name.

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 the undersigned at (571) 272-3215.

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

Charlema Grant
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
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/538,378	09/23/2011		220	23122-US-PSP		

CONFIRMATION NO. 4383

CORRECTED FILING RECEIPT

210
MERCK
P O BOX 2000
RAHWAY, NJ 07065-0907

Date Mailed: 01/30/2012

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)

Ming-Tang Chen, Lebanon, NH;
Byung-Kwon Choi, Norwich, VT;
Michael Meehl, Lebanon, NH;
Natarajan Sethuraman, Hanover, NH;
Terrance Stadheim, Lyme, NH;
Dongxing Zha, Etna, NH;
Hussam Hisham Shaheen, Lebanon, NH;
Lin Song, Hanover, NH;

Power of Attorney:
John Reilly--43039

If Required, Foreign Filing License Granted: 10/14/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/538,378**

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

Non-Publication Request: No

Early Publication Request: No

Title

FUNCTIONAL CELL SURFACE DISPLAY OF LIGANDS FOR THE INSULIN AND/OR INSULIN GROWTH FACTOR 1 RECEPTOR AND APPLICATIONS THEREOF

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.

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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).

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Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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NOV 07 2011

OFFICE OF PETITIONS

GEORGIA-PACIFIC LLC
133 PEACHTREE STREET NE - GA030-41
ATLANTA GA 30303

In re Application of
Susnata Samanta et al.
Application No. 61/538,660
Filed: September 23, 2011
Attorney Docket No. 20988-USA
(38201-0038)

: DECISION GRANTING PETITION

This is a decision on the petition filed October 25, 2011, requesting that the above-identified provisional application be accorded a filing date of September 23, 2011. The petition is being treated under 37 CFR 1.53.

The petition is **GRANTED**.

The application was filed on September 23, 2011, without drawings. Accordingly, on October 19, 2011, the Office of Data Management mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition argues that drawings are not necessary for an understanding of the subject matter sought to be patented.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method 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.

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures

referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

A review of the official file reveals that the application includes at least one method and at least one composition claim. Therefore, this application contains disclosure relating to a method or composition.

In view of the above, the "Notice" mailed October 19, 2011, was mailed in error and is hereby withdrawn. The petition fee in the amount of $400.00 will be credited back to Deposit Account No. 19-5029.

The application is accorded a filing date of September 23, 2011, without drawings as a part of the original disclosure.

The application is being returned to the Office of Patent Application Processing for correction of the filing date to September 23, 2011, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

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NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Michael Carter :
Application No. 61/541,230 : DECISION GRANTING PETITION
Filed: September 30, 2011 :
Attorney Docket No: 32908-00004 :

This is a decision on the "RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION" filed October 24, 2011, requesting that the above-identified provisional application be accorded a filing date of September 30, 2011, which is treated as a petition under 37 CFR 1.53.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on September 30, 2011. However, on October 11, 2011, the Office of Data Management mailed a "Notice of Incomplete Provisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.

In reply, applicants filed the instant petition and thirty sheets of drawings, however without argument that the drawings had or had not been filed with the application papers deposited on September 30, 2011, or with an argument that the drawings are or aren't necessary for an understanding of the patent.

Nonetheless, the application as filed is entitled to a filing date. Petitioner's attention is directed to MPEP 601.01(f), which 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.

A review of the application as filed reveals that it contains at least one method claim. In view of the presence of the method claim, it is concluded that this provisional application is entitled to a filing date. The "Notice of Incomplete Provisional Application" mailed October 11, 2011, was mailed in error and is hereby **withdrawn**.

Given the basis for granting this petition, the fee charged for the petition in the amount of $400 is being refunded to the credit card provided.

The Office of Patent Application Processing has been advised of this decision. OPAP will **correct the filing date to September 30, 2011**, with "0" drawings present in the 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

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PATENT SERVICES
101 COLUMBIA ROAD
MORRISTOWN NJ 07962

MAILED
OCT 19 2011
OFFICE OF PETITIONS

In re Application of :
Haiyou Wang et al :
Application No. 61/541,512 : DECISION ON REQUEST FOR REFUND
Filed: September 30, 2011 :
Attorney Docket No. H0031345-4511 :

This is a decision on the Request For Refund filed October 5, 2011.

The request is **DISMISSED**.

The request for refund is dismissed because USPTO regulations require that papers filed in the application be signed by a registered attorney or agent, by the applicants (inventors) or by the assignee of the entire interest who has taken action in the application in accordance with 37 CFR 3.71. The request for refund is signed by Michele Greenberg. Note 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.

Additionally, applicant is encouraged to note the below regarding the filing of an unintended duplicate filing via EFS-Web:

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

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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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Application of :
Timothy W. Martin et al. :
Application No. 61/543,560 : ON PETITION
Effectively Filed: October 5, 2011 :
Attorney Docket: 28995-19617 :

This is a decision on the petition filed October 6, 2011, which will be treated as a petition under 37 CFR 1.182, to change the name of the inventors.

The petition is **GRANTED**.

The name of the inventor has been changed from **Tim Martin** to **Timothy W. Martin, Kate Connally** to **Katherine W. Connally** and **Michael Handelman** to **Michael P. Handelman**.

A petition fee in the amount of $400 is due as set forth in 37 U.S.C. 1.17(f). As authorized, the remaining balance of $350 will be charged to deposit account number 19-2555.

The application file is being referred to the Office of Data Managment for further processing.

Telephone inquiries regarding this decision may be directed to Kimberly Inabinet (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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SMITH & NEPHEW, INC.
DIANA HOUSTON
1450 BROOKS ROAD
MEMPHIS TN 38116

MAILED

DEC 29 2011

OFFICE OF PETITIONS

In re Application of :
Petteys et al. :
Application No. 61/546,052 : DECISION ON PETITION
Filed: October 11, 2011 :
Attorney Docket No. 22415-0041P02 :

This is a decision on the petition under 37 CFR 1.182, filed, November 16, 2011, to change the name of four listed inventors.

The petition is **GRANTED**.

Office records have been updated to reflect the inventors' change of name. A corrected Filing Receipt, which reflects the inventors' change of name, accompanies this decision on petition.

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.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: FISH & RICHARDSON P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005-3500

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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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/546,052	10/11/2011		300	22415-0041P02		

CONFIRMATION NO. 5787

CORRECTED FILING RECEIPT

26170
Smith & Nephew, Inc.
Diana Houston
1450 Brooks Road
Memphis, TN 38116

Date Mailed: 12/28/2011

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)

Timothy J. Petteys, Bartlett, TN;
Charles R. Baker, Lakeland, TN;
Charles C. Heotis, Germantown, TN;
Nathaniel Kelley Grusin, Germantown, TN;
Gene Edward Austin, Bartlett, TN;
Nicholas S. Ritchey, Collierville, TN;
Jan Stifter, Schneisingen, SWITZERLAND;
Tobias Schwägli, Solothurn, SWITZERLAND;
Marco Wülser, Ennenda, SWITZERLAND;
Adrian Anner, Wurenlos, SWITZERLAND;
Roman Ramseyer, Basel, SWITZERLAND;

Power of Attorney:
Nicholas Jepsen--59567

If Required, Foreign Filing License Granted: 10/24/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/546,052**

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

Non-Publication Request: No

Early Publication Request: No

Title

Targeting Landmarks of Orthopaedic Devices

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.

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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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.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK NY 10110

MAILED

NOV 25 2011

OFFICE OF PETITIONS

In re Application of	:	
March D. MORANT et al.	:	
Application No. 61/546,602	:	DECISION ON PETITION
Effective Date: December 16, 2010	:	
Attorney Docket No. 20-211	:	

This is a decision on the petition filed November 02, 2011, under 37 CFR 1.53 to accord filing date.

On October 26, 2011, the Office mailed a Notice of Incomplete Provisional Application, stating that a filing date has not been accorded to the above-identified application, indicating that the application was deposited without drawings application.

Petitioner asserts that drawings are not necessary for the understanding of the subject matter sought to be patented and request that the filing date be accorded as October 13, 2011. A preliminary amendment has been provided deleting the Brief Description of Drawing section in the specification.

A review of the Office records indicates that drawings are in fact not necessary for the filing of the subject application. Accordingly, this application is entitled to a filing date of October 13, 2011, and has been so accorded.

In view of the above, the petition is GRANTED. The petition fee of $400.00 will be credited to petitioner's deposit account.

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

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

Thurman K. Page
Petitions Examiner
Office of Petitions

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75 STATE STREET
14TH FLOOR
ALBANY NY 12207

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DEC 14 2011
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In re Application:
Wang et al.
Application No. 61/546,636
Filed: October 13, 2011
Attorney Docket No. 1452 (RPI-0081-PV2)

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 1, 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 inquiries 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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JAN 11 2012

OFFICE OF PETITIONS

Gard and Kaslow LLP
4 Main Street, Suite 120
Los Altos CA 94022

In re Application of :
Chang, et al. :
Application No. 61/547,590 : DECISION GRANTING PETITION
Filed: October 14, 2011 :
Attorney Docket No. **PA1136PRV** :

This is a decision on the petition filed December 26, 2011, requesting that the above-identified application retain the filing date of October 14, 2011, with Figure 10 as described in the specification included as part of the original disclosure.

On October 14, 2011, the above-identified application was filed. On October 31, 2011, the Office of Patent Application Processing mailed a "Notice of Omitted Items" (the "Notice"), stating that the application had been accorded a filing date, but Figure 10 as described in the specification appeared to have been omitted. The Notice allowed an extendable two-month period for reply to the requirement.

In response, on December 26, 2011, applicants filed the present petition. Petitioner asserts that Figure 10 was present with the papers filed October 14, 2011.

Upon review of the record, Figure 10 was located among the application papers filed October 14, 2011. Figure 10 was located on a sheet that also included an abstract. It is noted that 37 CFR 1.72(b) states that:

> (b) A brief abstract of the technical disclosure in the specification must commence on a separate sheet, preferably following the claims, under the heading "Abstract" or "Abstract of the Disclosure." The sheet or sheets presenting the abstract may not include other parts of the application or other material. The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure.

Petitioner will note that the abstract is required to be on a separate sheet form any other parts of the application, which would include drawing figures. Petitioner is advised that the Office may require remedial action to correct this. The Office of Patent Application Processing will determine whether such action is necessary.

Notwithstanding, the evidence is convincing that the application papers deposited October 14, 2011, included Figure 10 as described in the specification. Therefore, the application, including Figure 10 was complete on filing and entitled to a filing date of October 14, 2011.

Accordingly, the petition is **granted**.

In re Application No. 61/547,590

Deposit account 50-04658 will be refunded $400.00.

The application file is being returned to the Office of Patent Application Processing for further processing with a filing date of October 14, 2011, with Figure 10 as part of the original disclosure.

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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Nixon Peabody LLP
P.O. Box 60610
Palo Alto CA 94306

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of :
Goren, et al. :
Application No. 61/547,654 : ON PETITION
Filed: October 14, 2011 :
Attorney Docket No. **460374-000028** :

This is a decision on the petition under 37 CFR 1.53(e) filed on December 22, 2011, requesting that the Office accord the above-identified provisional application a filing date of October 14, 2011.

On October 14, 2011, applicants deposited the above-identified provisional application without drawings. On October 25, 2011, the Office mailed a Notice of Incomplete Provisional Application, indicating that the application had not been accorded a filing date because the application had been deposited without drawings, and stating that the filing date would be the date of receipt of the omitted drawings.

On petition, applicants explain:

> [t]he disclosure fully complied with 35 U.S.C. 113 and 37 CFR 1.81(a) because a drawings is not "necessary for the understanding of the subject matter sought to be patented."

Petition, December 22, 2011, p. 2

A review of the provisional application papers deposited on October 14, 2011, reveals that the application contains method claims. As stated in MPEP § 601.01(f), it is the practice of the USPTO to treat a provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application

filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

As this application contains method claims, it should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g). MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed, indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice of Incomplete Provisional Application was sent in error. The above-identified application may be accorded a filing date of October 14, 2011, without any drawings.

Accordingly, the petition is **granted** to the extent indicated above.

The $400.00 petition fee is unnecessary and will be refunded to the Deposit Account.

This application is being forwarded to the Office of Patent Application Processing to accord the application a filing date of October 14, 2011, with "0" sheets of drawings, and to mail a corrected filing receipt.

Any inquiries regarding 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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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED
MAR 06 2012
OFFICE OF PETITIONS

In re Application of	:	
Chan	:	
Application No. 61/547,857	:	DECISION ON PETITION
Filed: October 17, 2011	:	
Attorney Docket No. 15330/1	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed, January 24, 2012, to change the name of inventor "Arthur Chan" to – Siu-Cheung Chan --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/547,857	10/17/2011		125	15330/1		

CONFIRMATION NO. 5207

CORRECTED FILING RECEIPT

26646
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Date Mailed: 03/05/2012

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)

Siu-Cheung Chan, Bayside, NY;

Power of Attorney:
Ji Lei--65322

If Required, Foreign Filing License Granted: 10/25/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/547,857**

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

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

SYSTEM AND METHOD FOR DELIVERY OF INFORMATION TO SELECTED USERS

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MAILED
JAN 19 2012
OFFICE OF PETITIONS

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

In re Application of :
LARS WINTHER :
Application No. 61/547,885 : DECISION ON PETITION
Filed: October 17, 2011 :
Attorney Docket No. F6657-01201 :

This is a decision on the "PETITION TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION AND PETITION UNDER 37 C.F.R. § 1.53(E)" filed December 23, 2011.

The above-identified application was deposited on October 17, 2011. On October 24, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application, stating that the application was deposited without drawings.

On December 23, 2011, petitioners submitted the present petition. Petitioners assert that the application does not require drawings for an understanding of the invention as the application contains method claims. A review of the provisional application papers deposited on October 17, 2011, reveals that the application contains at least one method claim.

As stated in MPEP § 601.01(f), it is the practice of the USPTO to treat a provisional application that contains at least some disclosure of a process or method 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. MPEP § 601.01(f) also states:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the

application contains something that can be construed as a written description and the names of all the inventors.

As this application contains at least one method claim, it should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g). MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed, indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice of Incomplete Provisional Application was sent in error. The above-identified application will be accorded a filing date of October 17, 2011, without any drawings.

Accordingly, the petition is **granted**. The $400.00 petition fee is unnecessary and will be refunded in due course.

This application is being forwarded to the Office of Patent Application Processing to accord the application a filing date of **October 17, 2011**, with "0" sheets of drawings, and to mail a corrected filing receipt.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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DEC 22 2011
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WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

In re Application of :
Kurosawa, et al. :
Application No. 61/548,971 : DECISION GRANTING PETITION
Filed: October 19, 2011 :
Attorney Docket No. M0656.70245US00

This is a decision on the petition under 37 CFR 1.53, filed December 9, 2011, to accord the above-identified application a filing date of October 19, 2011.

The petition is **GRANTED**.

The application was deposited on October 19, 2011. However, on November 3, 2011, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application", stating that the application had not been accorded a filing date because the application was deposited without drawings.

As stated in MPEP § 601.01(f), it is the practice of the PTO 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).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

The instant provisional application contains disclosure for which a drawing is usually not considered essential for a filing date Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

In view of the above, the "Notice of Incomplete Provisional Application" mailed November 3, 2011 was mailed in error and is hereby **withdrawn**.

The Office should have instead mailed a Notice of Omitted Items in a Provisional Application.

As the instant petition was due to USPTO error, the $400 petition is being refunded to petitioner.

The application is being forwarded to the Office of Patent Application Processing for further processing as a provisional application with a filing date of October 19, 2011, and for indication that "0" sheets of drawings were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BIOTECH BEACH LAW GROUP PC
5677 OBERLIN DRIVE SUITE 204
SAN DIEGO CA 92121

MAILED
DEC 22 2011
OFFICE OF PETITIONS

In re Application of :
Li, et al. :
Application No. 61/549,379 : ON PETITION
Filed: October 20, 2011 :
Attorney Docket No. ACE-146P1 :

This is in response to the petition under 37 CFR 1.182 to change the order of inventor names, filed December 8, 2011.

The petition is **GRANTED**.

Office records have been changed to reflect the change in the order of the inventors' names (1 - Nan Li, 2 - Ye Chen, 3 - Xiaobo Wang).

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

Cliff Congo
Petitions Attorney
Office of Petitions

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MAR 28 2012
OFFICE OF PETITIONS

BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH PA 15205

In re Application of :
JUNFENG MEI ET AL. :
Application No.: 61/549,799 : DECISION ON PETITION
Filed: October 21, 2011 :
Attorney Docket No. BMS113033 :

This is a decision on the petition filed February 17, 2012, to expunge an assignment previously recorded against the above-identified application. The petition is being treated under 37 CFR 1.182.

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

Petitioner requests that "an Assignment for Serial Number 61/549,798, Reel Number 027345 and Frame Number 0452 be expunged from the above-identified file, since it was unintentionally submitted." Expunging information from USPTO assignment records requires an extraordinary remedy that is 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). Petitioner should note that, 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.

The instant petition fails to **prove** items (A) and (B), listed above. Petitioner is encouraged to consider the corrective procedure outlined in MPEP §323.01(a), instead of filing a renewed petition.

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. 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. Such a determination must be made by a competent authority, like a court of appropriate jurisdiction. 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). Accordingly, information will not be expunged from assignment records merely to present correct information in the records.

The required fee of $400.00 under 37 CFR 1.182 has been charged to Deposit Account 13-3848, as authorized.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-4914.

Ramesh Krishnamurthy
Petitions Examiner,
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA VA 22314

MAILED
FEB 08 2012
OFFICE OF PETITIONS

In re Application of :
Adiel Barak :
Application No. 61/550,500 : ON PETITION
Filed: October 24, 2011 :
Attorney Docket No. 31133P2 :

This is a decision regarding your request for acceptance of a fee deficiency submission filed January 24, 2012. The request is being treated as a petition 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.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 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

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

MAILED
JAN 04 2012
OFFICE OF PETITIONS

In re Application of :
Bleicher :
Application No. 61/551,380 : ON PETITION
Deposit date: October 25, 2011 :
Attorney Docket No. 118953-001PRV :
For: NOVEL COMPOUNDS WITH
NEUROGENIC PROPERTIES AND
COMPOSITIONS AND USES THEREOF

This is a decision on the petition filed November 29, 2011 to accord a filing date of October 25, 2011 to the above-identified application.

The application was deposited on October 25, 2011. However, on November 17, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" requiring drawings of applicant's invention and stating that the filing date would be the date of receipt of the omitted drawing(s). It is noted that the specification filed on October 25, 2011 references a drawing figure.

As stated in MPEP 601.01(f), it is the practice of the United States Patent and Trademark Office (PTO) 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 The same practice has been followed in composition applications.

MPEP 601.01(f) also states that:

> ... A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, not describing drawing figures in the specification, and filed without drawings will simply be processed, so long as the application contains something that can be construed as a written description.

This provisional application contains a detailed written description and clearly is a composition application. Therefore, the application should have been accorded a filing date without drawings.

In view of the above, the "Notice" mailed November 17, 2011 was mailed in error and is hereby withdrawn. The application, as filed, is entitled to a filing date of October 25, 2011. The petition is **granted**.

Pursuant to petitioner's request, the $400.00 petition fee will be refunded to petitioner's deposit account.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of **October 25, 2011** and the mailing of a filing receipt reflecting the October 25, 2011 filing date.

Telephone inquiries specific to this matter 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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BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS MO 63102-2750

In re Application of :
Konyashin et al. :
Application No. 61/553,405 : ON PETITION
Filed: October 31, 2011 :
Atty. Docket No. **PF1121-US-0** :

This is a decision on the "PETITION TO ASSIGN FILING DATE TO A PROVISIONAL APPLICATION" filed on January 21, 2012, which is treated as a petition under 37 CFR 1.182 requesting that the above-identified provisional application, without drawings, be accorded a filing date of October 31, 2011.

The petition is **GRANTED**.

The application was filed on October 31, 2011, without drawings. Accordingly, on November 21, 2011, the Office of Patent Application Processing mailed a "Notice of Incomplete Provisional Application" stating that the application had not been accorded a filing date because the application had been deposited without drawings. The Notice allowed a period for reply of two-months from its mailing date.

On January 21, 2012, the present petition was filed. Petitioners concede that the application was filed without drawings, but argue that the drawings are not necessary to understand the invention claimed and that the subject matter of the application would have been understood to a person having ordinary skill in the art even without those drawings.

MPEP § 601.01(f) states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but

> filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

The arguments in the petition will be construed to mean that petitioner's counsel is asserting that drawings are not necessary for a filing date in this application. Drawings will not be further considered as a part of this case.

In view of the above, the "Notice" mailed November 21, 2011, was mailed in error and is hereby withdrawn.

The application is accorded a filing date of October 31, 2011, without drawings as a part of the original disclosure.

No petition fee is due. The petition fee of $400.00 will be refunded to deposit account 02-4467, in due course.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to October 31, 2011.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3222.

/Kenya A. McLaughlin/

Kenya McLaughlin
Petitions Attorney
Office of Petitions

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STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111

MAILED

JAN 17 2012

OFFICE OF PETITIONS

In re Application:	:	
Wilke et al.	:	
Application No. 61/553,738	:	NOTICE
Filed: October 31, 2011	:	
Attorney Docket No. 45801/6:1	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 18, 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 inquiries 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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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

MAILED

FEB 07 2012

OFFICE OF PETITIONS

In re Application of :
Meier-Davis, et al. :
Application No. 61/553,874 : DECISION ON PETITION
Filed: 13 October, 2011 :
Attorney Docket No. TEIK-043PRV :

This is a decision on the petition filed on 16 December, 2011, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

NOTE:

Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct—as well as the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner did submit an updated application data sheet (ADS).

The petition under 37 C.F.R §1.182 is **DISMISSED**.

A request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.182."

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

The guidance in the Commentary set forth at MPEP§605.04(c) suggests to Petitioner the proper procedure herein:

605.04(c)Inventor Changes Name [R-5]

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and **>a statement< signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a * copy of the court order.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form as to an inventor's name—the name having been typed and signed in that form.

On 16 December, 2011, Petitioner indicated to the Office that the name of inventor/applicant should be corrected to overcome the incorrect form of the name of the inventor.

With the petition and fee, Petitioner submitted an updated application data sheet (ADS), but not the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

Accordingly, the petition under 37 C.F.R. §1.182 is **dismissed**.

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

[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). See specifically, the regulations at 37 C.F.R. §10.18.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) 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 Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

MAILED

MAR 09 2012

OFFICE OF PETITIONS

In re Application of :
Meier-Davis, et al. :
Application No. 61/553,874 : DECISION ON PETITION
Filed: 13 October, 2011 :
Attorney Docket No. TEIK-043PRV :

This is a decision on the petition filed on 8 March, 2012, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

The petition under 37 C.F.R §1.182 is **GRANTED**.

The guidance in the Commentary set forth at MPEP§605.04(c) directs Petitioner to the proper procedure herein:

> **605.04(c)Inventor Changes Name [R-7]**
>
> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.
>
> Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.
>
> If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.
>
> If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor

> name" and the application should be sent to the Office of **>Patent Application Processing (OPAP)<for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form as to an inventor's names—the name having been typed in that form.

Petitioner has since indicated to the Office that the name of inventor/applicant must be corrected to overcome the change in the form of the name of the inventor. (Petitioner submitted an updated application data sheet (ADS), the latter of which may not be required but always should be included.)

On original petition, Petitioner did not include with the petition and fee the required declaration by the inventor(s)/applicant(s), signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct, and the petition was dismissed on 7 February, 2012.

Petitioner re-advanced the petition on 8 March, 2012, and provided the properly signed statement by the inventor.

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. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

Accordingly, the petition under 37 C.F.R. §1.182 is **granted**.

The application is released to the Office of Patent Application Processing (OPAP) for processing as necessary to update Office records and mail a corrected/updated filing receipt before being returned to the Technology Center/AU 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. §1.2[2]) 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). See specifically, the regulations at 37 C.F.R. §10.18.

[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 Petitioners 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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MAHAMEDI PARADICE KREISMAN LLP
550 Winchester Boulevard
Suite 605
SAN JOSE CA 95128

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FEB 01 2012

OFFICE OF PETITIONS

In re Application of :
Berberian, et al. :
Application No. 61/553,923 : ON PETITION
Filing: October 31, 2011 :
Atty. Dkt. No.: OTIX.P003P :

The above-identified application has been referred to the Office of Petitions for consideration of the petition filed January 18, 2012 with respect to the Notice of Omitted Items in a Provisional Application (Notice).

The application was filed October 31, 2011. The Notice of Omitted Item(s) in a Provisional Application (Notice) mailed November 21, 2011 by the Office of Patent Application Processing (OPAP) indicated that the application had been accorded a filing date, but that Figures 15A and 15B appeared to have been omitted from the application papers as filed.

The Notice, *inter alia*, indicated:

> "Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the provisional application papers, a copy of this Notice and a petition (and $400.00 petition fee *(37 CFR 1.17(f))*, which will be refunded if it is determined that the item was in fact received by the USPTO), with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.
>
> The failure to file a petition (and petition fee) within TWO MONTHS of the date of this Notice *(37 CFR 1.181(f))* will be treated as a constructive acceptance by the applicant of the provisional application as deposited in the USPTO. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b). In the absence of a timely petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit."

Petitioners herein contend that Figure 15, not Figures 15A and 15B, was submitted with the application on filing. Petitioners seek to amend the specification to delete reference to Figures 15A and 15B and make reference instead to Figure 15.

In accordance with 37 CFR 1.53(c), a provisional application is **not** subject to amendment. Thus, the requested relief will not be granted.

Accordingly, the petition is hereby **DISMISSED**.

The petition fee submitted herewith will not be refunded as the instant petition was not necessitated due to Office error.

This application is being directed to the Office of Patent Application Processing for further processing with a filing date of October 31, 2011 using the application papers filed on that date.

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
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PPG INDUSTRIES INC
INTELLECTUAL PROPERTY DEPT
ONE PPG PLACE
PITTSBURGH PA 15272

MAILED
DEC 14 2011
OFFICE OF PETITIONS

In re Application of :
Marvin J. Graham et al. :
Application No. 61/554,023 : DECISION GRANTING PETITION
Filed: November 1, 2011 :
Attorney Docket No. 10007465V1 :

This is a decision on the petition filed December 2, 2011, under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of November 1, 2011.

The petition is **GRANTED**.

The application was filed on November 1, 2011, without drawings. Accordingly, on November 18, 2011, the Office of Data Management mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition argues that drawings are not necessary for an understanding of the subject matter sought to be patented.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method 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.

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures

referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

A review of the official file reveals that the application includes at least one method claim. Therefore, this application contains disclosure relating to a method.

In view of the above, the "Notice" mailed November 18, 2011, was mailed in error and is hereby withdrawn. The petition fee in the amount of $400.00 will be credited back to Deposit Account No. 16-2025.

The application is accorded a filing date of November 1, 2011, without drawings as a part of the original disclosure.

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 drawings included, petitioners should file a new completed provisional application.

This matter is being referred back to the Office of Patent Application Processing for correction of the filing date to November 1, 2011, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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www.uspto.gov

Pabst Patent Group LLP
1545 PEACHTREE STREET NE
SUITE 320
ATLANTA GA 30309

MAILED
MAR 02 2012
OFFICE OF PETITIONS

In re Application of :
Breuer et al. :
Application No. 61/555712 :
Filing or 371(c) Date: 11/04/2011 :
Attorney Docket Number: : DECISION
YU 5689 : ON PETITION

This is a decision on the "Petition Under 37 CFR § 1.53(e) from Response to Notice of Incomplete Provisional Application," filed January 20, 2012, requesting the above-identified application be accorded a filing date of November 4, 2011.

The petition is granted.

The application was filed on November 4, 2011. On November 21, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant, *inter alia*, that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the present petition and avers that the omitted drawings are not necessary for the person of ordinary skill in the art to understand the subject matter described in the application.

The application complies with the patent statute and regulations based upon applicant's assertion that the figures are not necessary for an understanding of the invention. Based upon Applicant's assertion, a filing date may be accorded the application papers deposited on November 4, 2011. Accord MPEP 601.01(f).

Receipt of the petition fee is hereby acknowledged. Because the petition was not necessitated by an error on the part of this Office, the petition fee will not be refunded.

This application is being referred to the Office of Patent Application Processing, Customer Corrections, for further processing;

- with the filing date of November 4, 2011, using the application papers filed on that date, and an indication that no drawings were present or required on filing.

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

MEDLEN & CARROLL, LLP
Suite 340
703 Market Street
San Francisco CA 94103

MAILED
FEB 17 2012
OFFICE OF PETITIONS

In re Application of	:	
Studer et al.	:	
Application No. 61/555,828	:	DECISION ON PETITION
Filed: November 4, 2011	:	PURSUANT TO
Attorney Docket Number: SLOAN-17222	:	37 C.F.R. § 1.182
Title: FLOOR PLATE DERIVED MIDBRAIN DOPAMINE (DA) NEURONS FOR THERAPEUTIC AND RESEARCH USE	:	

This is a decision on the "A PETITION IN RESPONSE TO A NOTICE OF MISSING ITEM(S) IN A PROVISIONAL APPLICATION," filed January 31, 2012. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182. Petitioner requests this application be accorded a filing date of November 4, 2011, without Figure 9C.

On November 4, 2011, the above-identified application was filed. On December 5, 2011, the Office of Data Management mailed a "Notice of Omitted Item(s) in a Provisional Application," stating that the application had been accorded a filing date of November 4, 2011, and advising Applicant that Figure 9C appears to have been omitted.

With this petition, Petitioner has included the petition fee and an explanation that Figure 9C was not included on filing because the reference to Figure 9C in the specification was a typographical error:[1] there is no Figure 9C, and the specification should have referred to Figure 13C (which has been located in the electronic file), and not Figure 9C.

1 Petitioner does not provide a citation to the specification, but he appears to be referring to language that is present on page 38 of the specification.

The electronic file has been reviewed, and it is obvious from the file that Figure 9C was not actually missing on November 4, 2011, and that the specification merely contains a typographical error which refers to a figure which does not exist. Therefore, the drawing was not missing; rather, the specification merely contains a reference to a nonexistent drawing as a result of the applicant's filing error. However, the notice mailed December 5, 2011 was correct in stating that Figure 9C appeared to have been omitted. Therefore, the notice was properly mailed and will not be withdrawn.

The petition under 37 C.F.R. § 1.182 is **GRANTED to the extent** that the application is accepted without Figure 9C, as the reference to this figure which appears in the specification is a typographical error.

The petition fee of $400 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[2]

Paul Shanoski
Senior Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

MAILED

FEB 13 2012

OFFICE OF PETITIONS

In re Application of :
Cabrera, et al. :
Application No. 61/556,090 : REQUEST FOR INFORMATION
Filed: November 4, 2011 :
Attorney Docket No. 40252-702-107

Reference is made to the "Petition under 37 CFR 1.53(e), filed January 20, 2012.

Petitioner is allowed a **non-extendable** period for reply of **TWO (2) MONTHS** from the mailing date of this communication to provide a response. The response should be titled, "Response to Request for Information." ***If no response is provided within the period set forth the application will became abandoned.*** No additional fees are due.

The subject provisional application was deposited on November 4, 2011. On November 21, 2011, the Office mailed a Notice of Omitted Item(s) in a Provisional Application, indicating the Figures 25, 26, and 27 as described in the specification appeared to have been omitted from the application. The instant petition was filed on January 21, 2011, wherein petitioner argues that Figures 25, 26, and 27, were present on filing.

Petitioner is required to address the following point:

- A review of the application reveals that 88 sheets of drawings were received on November 4, 2011. This is the same number of sheets of drawings that petitioner says were filed on November 4, 2011. A review of the drawings and the "Brief Description of Drawings" as contained in the specification reveals that the "Brief Description of Drawings" cites "Figure 25", "Figure 26", and "Figure 27". Yet, neither the drawings filed November 4, 2011, or the copy of the same petitioner provided on January 20, 2012, contain these Figures 25, 26, or 27 as described in the "Brief Description of Drawings". It is noted that the "Brief Description of Drawings" cites Figures 25A, 25B, 25C, 26A, 26B, 27A, and 27B, and the same are found among the drawing figures. The Notice of Omitted Items in a Provisional Application appears to be correct in that Figures 25, 26, and 27 are described in the "Brief Description of Drawings", but not found among the drawings.

  Petitioner is required to reconcile this point.

Petitioner should also note that a petition to accept the omitted figure and accord the application a filing date as of the date the drawing is filed will not be granted in a provisional application. The remedy in such cases would be for the applicant to simply file a new completed provisional application. See *MPEP* 601.0(d).

Further correspondence regarding this matter may be addressed to the following:

In re Application No. 61/556,090

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

Questions regarding this communication may 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

FENNEMORE CRAIG, P.C.
1700 Lincoln Street
SUITE 2900
DENVER, CO 80203

MAILED
DEC 15 2011
OFFICE OF PETITIONS

In re Application of Rooke :
Application No. 61/556,379 : Decision on Petition
Filing Date: November 7, 2011 :
Attorney Docket No. ROOKE US-1PRV :

This is a decision on the petition filed December 7, 2011, which requests the instant provisional application be accorded a filing date of November 7, 2011.

The petition is **granted**.

Application papers were filed November 7, 2011.

The specification filed November 7, 2011, described drawings, but no drawings were filed November 7, 2011.

The Office mailed a Notice of Incomplete Provisional Application on November 22, 2011. The notice states the application has not been accorded a filing date because the papers filed November 7, 2011, do not include drawings. The notice indicates the filing date will be the date of receipt of drawings.

It is the practice of the PTO to treat a provisional application that contains at least some disclosure directed to a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP 601.01(f) states:

> 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)....
>
> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing

figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains at least some disclosure directed to subject matter for which a drawing is usually not considered essential for a filing date. Therefore, the application will be accorded a filing date of November 7, 2011, and the notice mailed November 22, 2011, is hereby withdrawn.

The application will be accorded a filing date of November 7, 2011, without the drawings.

It should be noted that the claims filed in any subsequent non-provisional application will determine whether or not drawings are necessary for that application since the "subject matter sought to be patented" is determined by the claims in an application. Therefore, the instant decision should not be construed as a determination that drawings will or will not be necessary for a filing date for any future non-provisional applications.

The petition fee of $400 has been credited back to petitioner's deposit account.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of November 7, 2011, and for indication in USPTO records that "0" sheets of drawings were present on filing.

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

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Application of :
Josephine Cardarelli :
Application No. 61/557,815 : DECISION
Filed: November 9, 2011 : ON PETITION
Atty Docket No. 11900-US-PSP :

This is in response to the PETITION IN RESPONSE TO NOVEMBER 25, 2011 NOTICE OF INCOMPLETE PROVISIONAL APPLICATION filed January 25, 2012, requesting that the above-identified application be accorded a filing date of November 9, 2011.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on November 9, 2011. However, on November 25, 2011, the Office mailed a "Notice of Incomplete Provisional Application," stating that the application had not been accorded a filing date because the application was deposited without drawings.

In response, applicant timely filed the instant petition. Applicant asserts that the November 9, 2011 filing date should be accorded to the subject application because drawings are not necessary for this application under 35 U.S.C. §113 (first sentence). In essence, applicant points out that the subject application contains a method claim.

35 U.S.C. 111(b)(4) provides that:

> The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

However, it is the practice of the Office to treat an application that contains at least one process or method or composition 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). MPEP § 601.01(f).

A review of the original application papers filed November 18, 2010, reveals that they contained at least one method claim. Thus, the application, as filed was complete within the meaning of 37 CFR §1.53(b), and entitled to a filing date of November 9, 2011.

Accordingly, the petition is granted to the extent that the provisional application will be accorded the November 9, 2011 filing date with no drawings as a part of the original disclosure of the application.

Given the basis for granting the petition, the petition fee is being refunded as requested.

This application is being forwarded to the Office of Patent Application Processing for:

- **Correction of the filing date to November 9, 2011**; and

- indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.

Applicant will receive appropriate notifications regarding any missing items or fees owed and other information in due course from the Office of Patent Application Processing.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 30 2011

OFFICE OF PETITIONS

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

In re Application of :
Wiig, et al. :
Application No. 61/558,238 : ON PETITION
Filed: November 10, 2011 :
Attorney Docket No. **1935-00305** :

This is a decision on the petition under 37 CFR 1.182, filed November 23, 2011, to correct the name of the first named inventor cited on this application in USPTO records.

The petition is **granted.**

The name of the first named inventor for the above-cited application is corrected to " Anders Wiig."

A corrected filing receipt is enclosed.

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: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/558,238	11/10/2011		125	1935-00305		

CONFIRMATION NO. 1284

CORRECTED FILING RECEIPT

26753
ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

Date Mailed: 12/29/2011

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)

Anders Wiig, Songe, NORWAY;
Torgeir Bratane, Kristiansand, NORWAY;

Power of Attorney:
Peter Holsen--54180

If Required, Foreign Filing License Granted: 12/13/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/558,238**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
**** SMALL ENTITY ****
Title

Folding Roof for Leisure and Work Boats

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).

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Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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PatentVentures (SF)
Client: SandForce, Inc.
P.O. Box 1668
Georgetown TX 78627-1668

MAILED
DEC 19 2011
OFFICE OF PETITIONS

In re Application of
Omura et al.
Application No. 61/559,201
Filed: November 14, 2011
Attorney Docket No. SF-11-17

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 5, 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**.

Deposit account no. 50-0689 will be charged the $175.00 total deficiency.

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 application is being forwarded to the Office of Patent Application Processing for processing in the normal course of business.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

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United States Patent and Trademark Office
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

MAILED
FEB 28 2012
OFFICE OF PETITIONS

In re Application of :
Haakma et al. :
Application No. 61/559,760 : ON PETITION
Filed: November 15, 2011 :
Attorney Docket No. 2011P00958 US :
For:

This is a decision on the petition, filed January 24, 2012, captioned: PETITION TO ADD OMITTED MATERIAL IN A PROVISIONAL APPLICATION.

The petition is **dismissed** and the merits of the petition will not be addressed because the petition is not properly signed. No additional petition fee will be due when petitioners file a reconsideration petition.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The petition is S-signed by Kimberley A. Kluge. It is noted that Attorney Todd A. Holmbo, Reg. 42,665 is listed below the signature line. The S-signature is not acceptable because a registration number for Kimberley A. Kluge is missing (37 CFR 1.4(d)(2)(ii)) and Ms. Kluge's name is not presented in printed or typed form preferably immediately below or adjacent the S-signature. (37 CFR 1.4(d)(2)(iii)(A)).

In any reconsideration petition, petitioners are encouraged to file another copy of the petition properly signed.

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

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

By hand:	U.S. Patent and Trademark Office Customer Service Window, Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314
By FAX:	(571) 273-8300 – ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

MAILED
APR 16 2012
OFFICE OF PETITIONS

In re Application of :
Haakma et al. :
Application No. 61/559,760 : ON PETITION
Filed: November 15, 2011 :
Attorney Docket No. 2011P00958 US :
For: DUAL-MODE CAPACITIVE MEASUREMENT

This is a decision on the petition, filed March 22, 2012, captioned: PETITION TO ADD OMITTED MATERIAL IN A PROVISIONAL APPLICATION. The petition will be treated under 37 CFR 1.182.

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

The application was filed on November 15, 2011. However, on November 29, 2011, The Office of Patent Application Processing mailed a "Notice of Omitted Item(s) in a Provisional Application" (Notice) stating that the application had been accorded a filing date of November 15, 2011, and advising applicants that figure 1 appeared to have been omitted.

In response, the present petition was filed. Petitioners state Figure 1 was inadvertently omitted from the application filed on November 15, 2011 and submit Figure 1 to complete the application.

The mailing of a "Notice of Omitted Item(s) in a Provisional Application" permits an applicant to either: (1) promptly establish prior receipt in the PTO of the items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) accept the application as filed. An applicant asserting that the missing items were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit.

In this case, petitioners have neither asserted that the missing figure was physically present when the instant application was filed, nor accepted the application as filed without the missing figure.

Instead, applicants appear to seek to add the figure to the instant application. However, it is not permissible to amend a provisional application. 37 CFR 1.53(c).

Accordingly, the petition is inappropriate and is subject to dismissal. The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the Office.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of November 15, 2011. Figure 1 submitted with the present petition will not be processed and will not be considered part of the originally filed application papers.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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MAILED
JAN 06 2012
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JOSHUA D ISENBERG
JDI PATENT
809 CORPORATE WAY
FREMONT CA 94539

In re Application of :
Matthew R. Robinson :
Application No. 61/560,475 : DECISION GRANTING PETITION
Filed: November 16, 2011 :
Attorney Docket No. INN-009/PROV2

This is a decision on the petition under 37 CFR 1.53, filed December 20, 2011, to accord the above-identified application a filing date of November 16, 2011.

The petition is **GRANTED**.

The application was deposited on November 16, 2011. However, on December 19, 2011, the Office of Initial Patent Examination mailed a "Notice of Incomplete Provisional Application", stating that the application had not been accorded a filing date because the application was deposited without drawings.

As stated in MPEP § 601.01(f), it is the practice of the PTO 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).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

The instant provisional application contains disclosure for which a drawing is usually not considered essential for a filing date Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g).

In view of the above, the "Notice of Incomplete Provisional Application" mailed December 19, 2011 was mailed in error and is hereby **withdrawn**.

The Office should have instead mailed a Notice of Omitted Items in a Provisional Application.

As the instant petition was due to USPTO error, the $400 petition is being refunded to petitioner.

The application is being forwarded to the Office of Patent Application Processing for further processing as a provisional application with a filing date of November 16, 2011, and for indication that "0" sheets of drawings were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE NW
WASHINGTON DC 20037

MAILED
FEB 21 2012
OFFICE OF PETITIONS

In re Application of :
Gould, et al. :
Application No. 61/560,539 : DECISION DISMISSING PETITION
Deposited: November 16, 2011 :
Attorney Docket No. 105967.00860 :

This is a decision on the petition under 37 CFR 1.53, filed January 30, 2012, to accord the above-identified application a filing date of November 16, 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. No 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 1.53". No further petition fee is required for a renewed petition.

Application papers in the above-identified application were deposited on November 16, 2011. However, on November 29, 2011, the Office of Initial Patent Examination mailed Applicants a "Notice of Incomplete Provisional Application." Applicants were notified that the application papers had been not been accorded a filing date because the application was deposited without drawings.

On petition, Applicants argue that drawings are not required for a filing date, because they are not necessary for an understanding of the invention.

Applicants' argument has been considered, but is not persuasive. It is noted that the specification contained a "Brief Description of the Drawings" section, itemizing seven (7) drawing figures. Furthermore, the invention involves a physical structure that the specification describes through numerous references to the figures.

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

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

MAILED

JAN 10 2012

OFFICE OF PETITIONS

In re Application of	:	
JINABING ZHANG ET AL	:	
Application No. 61/561,052	:	**DECISION ON PETITION**
Filed: NOVEMBER 17, 2011	:	
AttorneyDocketNo.:688096-26US	:	

This is a decision on the petition under 37 CFR 1.181, filed, January 6, 2012, to correct the name of inventors "JIEYING YU" to "JIEYING LIU".

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.

Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.

Thurman K. Page
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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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/561,052	11/17/2011		250	688096-26US		

CONFIRMATION NO. 8046

CORRECTED FILING RECEIPT

570
PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

Date Mailed: 01/10/2012

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)

Jianbing ZHANG, Orleans, CANADA;
Shu WU, Nanjing, CHINA;
Jieying LIU, Nanjing, CHINA;

Power of Attorney:
Weihong Hsing--51823

If Required, Foreign Filing License Granted: 12/13/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/561,052**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

EXPRESSION AND PURIFICATION SYSTEM BASED ON A NOVEL PROTEIN TAG

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.

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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

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and

Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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FEB 22 2012
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POLSINELLI SHUGHART PC
700 West 47th Street
Suite 1000
KANSAS CITY MO 64112

In re Application of :
McCormack, et al. :
Application No. 61/561,114 : ON PETITION
Filed: November 17, 2011 :
Attorney Docket No.: **066093-432318** :

This is response to the "Petition in Response to Notice of Omitted Items in Provisional Application under 37 CFR 1.181" filed February 1, 2012, which will be treated a petition under 37 CFR 1.182 requesting that the above-identified application retain the presently accorded filing date with Figure 25J of drawings filed February 1, 2012, included and part of the original disclosure.

The petition is **dismissed**.

On November 17, 2011, the above-identified application was filed. However, on January2 7, 2012, the Office of Patent Application Processing mailed a "Notice of Omitted Items of Provisional Application", stating that application had been accorded a filing date of November 17, 2011, and advising applicant that Figure 25J as described in the specification appeared to have been omitted.

In response, on February 1, 2012, applicants filed the present petition. Applicants concedes that Figure 25J was omitted from the original disclosure. Applicant appears to request that the application retain a filing date of November 17, 2011, with Figure 25J included as part of the original disclosure.

Petitioner's attention is directed to section 601.01(b) of the *Manual of Patent Examining Procedure* (MPEP) which states, in pertinent part:

> [a] provisional application will be given a filing date in accordance with 37 CFR 1.53(c) as of the date the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application sent forth the 37 CFR 1.53(c) parallel the requirements of a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.

Further, section 601.01(d) of the MPEP provides that:

> . . . in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional application, the USPTO will not grant petition under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.

Although the instant petition does not expressly state that the provisional application should be amended to include Figure 25J filed on February 1, 2012, it is evident that the petitioner's intention is to amend the application to include the omitted Figure 25J and retain the original filing date. The above-cited sections of the MPEP indicate that this is not possible. The amendment proposed by petitioner is not necessary to obtain a filing date as one has already been accorded and, as indicated by section 601.01(d) of the MPEP, where a petition under 37 CFR 1.182 is not grantable, a new and completed provisional application should be filed.

The petition is dismissed, accordingly. The instant provisional application will retain the filing date of November 17, 2011, with only those papers filed on that date.

The application file is being directed to the Office of Patent Application Processing for further review.

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

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

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of :
Wang et al. :
Application No. 61/562,563 : ON PETITION
Filed: November 22, 2011 :
Attorney Docket No. 2011P26583 :
US

This is a decision on the petition filed February 6, 2012, requesting in effect, the "Notice of Omitted Item(s) in a Provisional Application" ("Notice") be withdrawn, and the above-identified application be accorded a filing date of November 22, 2011 including figure 1.

The petition is **Dismissed**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be forwarded to the Office of Patent Application Processing with the presently accorded filing date of November 22, 2011.

Application papers in the above-identified application were filed on November 22, 2011. However, on December 16, 2011, the Office of Patent Application Processing mailed applicant a "Notice of Omitted Item(s) in a Provisional Application" notifying applicants that the application papers had been accorded a filing date but figure 1 appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figure 1 as described in the specification was filed on November 22, 2011 but was not labeled properly. A replacement specification which includes re-labeled drawings (figures 1-3) embedded in the specification accompanies the petition. Petitioner contends no new matter is being added.

A review of the record shows that the figures submitted on filing are labeled figures 2-3. In other words a figure labeled "figure 1" was not presented on filing.

However, the replacement specification and re-labeled drawings submitted on petition cannot be considered as part of the original disclosure.

Petitioner is reminded the filing date of a provisional application is the date on which a specification as prescribed by the first paragraph of 35 U.S.C. 112, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application. See 35 U.S.C. 111(b)(4) and 37 C.F.R. 1.53(c). Thus, in a provisional application, petitioner does not have the option of amending the application to include figures on the basis that those figures do not constitute new matter.

Furthermore, with regard to omitted figures in provisional applications, MPEP 601.01(d) specifically provides that:

> The submission of omitted page(s) or drawing(s) in a nonprovisional application and acceptance of the date of such submission as the application filing date is tantamount to simply filing a new application. Thus, applicants should consider filing a new application as an alternative to submitting a petition under 37 C.F.R. 1.182 (with the petition fee under 37 C.F.R. 1.17(h)) with any omitted page(s) or drawing(s), which is a cost effective alternative in instances in which a nonprovisional application is deposited without filing fees. Likewise, in view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 C.F.R. 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.

Thus, it is concluded that applicant does not have the option of amending this provisional application to include the re-labeled figures nor can applicant submit the re-labeled figures and accept a later filing date.

The petition is dismissed. The petition fee will not be refunded as the petition was necessitated by the condition of the application on filing.

The application will be processed with the application papers presented on filing November 22, 2011.

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

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

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

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

Telephone inquiries related to this decision may be directed to the 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
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P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

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JAN 3 1 2012

OFFICE OF PETITIONS

In re Application of :
Muijs et al. :
Application No. 61/563,129 : DECISION ON PETITION
Filed: November 23, 2011 :
Attorney Docket No. 2011P00368US :

This is a decision on the petition under 37 CFR 1.182, filed, January 9, 2012, to change the name of inventor "Chris Damak" to –**Chris Damkat** --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name.

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 the undersigned at (571) 272-3215.

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

Charlema Grant
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
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/563,129	11/23/2011		250	2011P00368US		

CONFIRMATION NO. 9506

CORRECTED FILING RECEIPT

24737
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

OC00000005227104S

Date Mailed: 01/30/2012

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)

Remco Theodorus Johannes Muijs, Meteren, NETHERLANDS;
Mark Jozef Willem Mertens, Eindhoven, NETHERLANDS;
Wilhelmus Hendrikus Alfonsus Bruls, Eindhoven, NETHERLANDS;
Chris Damkat, Eindhoven, NETHERLANDS;
Martin Hammer, Arendonk, BELGIUM;
Cornelis Wilhelmus Kwisthout, Breda, NETHERLANDS;

Power of Attorney:
Michael Marion--32266

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 12/08/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/563,129**

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

Non-Publication Request: No

Early Publication Request: No

Title

Apparatuses and methods for analyzing image gradings

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

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OFFICE OF PETITIONS

In re Application of :
CLEARY et al. :
Application No. 61/564,521 : DECISION ON PETITION
Filed: November 29, 2011 :
Attorney Docket No. 60137.0057USP1 :

This is a decision on the "RESPONSE TO INCOMPLETE PROVISIONAL APPLICATION", filed February 2, 2012, which is being treated as a petition under 37 CFR 1.53(e) to accord the application a filing date of November 29, 2011.

The above-identified application was deposited on November 29, 2011. On December 16, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application, stating that the application had not been accorded a filing date because it was deposited without drawings.

On February 2, 2012, petitioners submitted the present petition. Petitioners explained that the application does not contain a drawing and that the inclusion of the reference to a drawing was an inadvertent error. Petitioners submitted a preliminary amendment with this application deleting the inadvertently included text.

A review of the provisional application papers deposited on November 29, 2011, reveals that the application contains method and composition claims.

As stated in MPEP § 601.01(f), it is the practice of the USPTO to treat a provisional application that contains at least some disclosure of a process or method 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. MPEP § 601.01(f) also states:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a

> filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

As this application contains method and composition claims, it should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g). MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed, indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice of Incomplete Provisional Application was sent in error. The above-identified application will be accorded a filing date of November 29, 2011, without any drawings.

Accordingly, the petition is **granted**. No petition fee is unnecessary.

This application is being forwarded to the Office of Patent Application Processing to accord the application a filing date of **November 29, 2011**, with "0" sheets of drawings, and to mail a corrected filing receipt.

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

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOUSTON TX 77252-2189

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OFFICE OF PETITIONS

In re Application of :
Wrobel, et al. :
Application No. 61/564,670 : DECISION
Filed/Deposited: 29 November, 2011 :
Attorney Docket No. 2011EM360 :

This is a decision on the petition filed on 3 February, 2012, and properly considered pursuant to 37 C.F.R. §1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. §1.53 is **DISMISSED**.

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

BACKGROUND

The instant application was deposited on 29 November, 2011.

On 7 December, 2011, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Items, indicating therein that the application had been accorded a filing date but without drawing FIGS. 6, 8, 11-12 described in the specification.

Thus, the application was accorded a filing date but without drawing FIGS. 6, 8, 11-12 described in the specification.

OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawing FIGS. 6, 8, 11-12 were present on deposit, and provide a copy of the drawing figures; submit the drawings and accept the date of submission as the filing date; or accept the application as deposited.

OPAP set a two- (2-) month period for reply.

On 3 February, Petitioner submitted:

- a copy of four (4) sheets of drawing figures (FIGS 6, 8, 11-12) and a statement by Petitioner requesting that the Office accept the submission; and

- a petition with fee, but no showing/averment, *inter alia*, that the drawing FIGS. 6, 8, 11-12 were present on deposit of the application.

ANALYSIS

After the instant application was deposited on 29 November, 2011.

On 7 December, 2011, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Items, indicating therein that the application had been accorded a filing date but without drawing FIGS. 6, 8, 11-12 described in the specification, and the application was accorded a filing date but without drawing FIGS. 6, 8, 11-12 described in the specification. OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawing FIGS. 6, 8, 11-12 were present on deposit, and provide a copy of the drawings;; or accept the application as deposited.

OPAP set a two- (2-) month period for reply.

On 3 February, Petitioner submitted: a copy of four (4) sheets of drawing figures (FIGS 6, 8, 11-12) and a statement by Petitioner requesting that the Office accept the submission; and a petition with fee, but no showing/averment, *inter alia*, that the drawing FIGS. 6, 8, 11-12 were present on deposit of the application. Nonetheless, Petitioner appears to seek amendment of the instant provisional application.

Petitioner is reminded and cautioned that such limited amendment of provisional applications as is permitted is discussed in the guidance in the Commentary at MPEP §601.01(b).)

The in the guidance in the Commentary at MPEP §601.01(b) expressly provides:

> **601.01(b) Provisional Applications Filed Under 35 U.S.C. §111(b) [R-3]**
>
> A provisional application will be given a filing date in accordance with 37 C.F.R. §1.53(c) as of the date the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application set forth in 37 C.F.R. §1.53(c)parallel the requirements for a nonprovisional application set forth in 37 C.F.R. §1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.

When the specification or drawing are omitted, 37 C.F.R. §1.53(e) requires that the applicant be notified and given a time period in which to submit the missing element to complete the filing. See MPEP §601.01(f) and §601.01(g) for treatment of applications filed without drawings, or filed without all figures of drawings, respectively.

37 C.F.R. §1.53(c)(1) requires all provisional applications be filed with a cover sheet, which may be an application data sheet (37 C.F.R. §1.76) or a cover letter identifying the application as a provisional application. The Office will treat an application as having been filed under paragraph (b), unless the application is clearly identified as a provisional application. A provisional application, which is identified as such, but which does not have a complete cover sheet as required by 37 C.F.R. §1.51(c)(1) will be treated as a provisional application. However, the complete cover sheet and a surcharge will be required to be submitted at a later date in conformance with 37 C.F.R. §1.53(g).

When the provisional application does not have a complete cover sheet or the appropriate fee, the applicant will be notified pursuant to 37 C.F.R. §1.53(g) and given a time period in which to provide the necessary fee or cover sheet and to pay the surcharge as set forth in 37 C.F.R. §1.16*>(g)< in order to avoid abandonment of the application. The time period will usually be set at 2 months from the date of notification. This time period may be extended under 37 C.F.R. §1.136(a). If the filing fee is not timely paid, the Office may dispose of the provisional application. If no correspondence address has been provided, applicant has 2 months from the filing date to file the basic filing fee, cover sheet, and to pay the surcharge as set forth in 37 C.F.R. §1.16*>(g)< in order to avoid abandonment of the provisional application. Copies of a provisional application will be provided by the USPTO upon request and payment of the fee set forth in 37 C.F.R. §1.19(b) unless the provisional application has been disposed of (see 37 C.F.R. §1.53(e) and (g)).

The basic filing fee must be paid in a provisional application on filing or within the time period set forth in 37 C.F.R. §1.53(g), and the provisional application must be entitled to a filing date under 37 C.F.R. §1.53(c), if any claim for benefits under 35 U.S.C. §119(e) based on that application is made in a subsequently filed nonprovisional application. 37 C.F.R. §1.78(a)(4).

37 C.F.R. §1.53(e)(2) requires that any request for review of a refusal to accord an application a filing date be made by way of a petition accompanied by the fee set forth in 37 C.F.R. §1.17*>(f)< (see MPEP § 506.02). (Emphasis supplied.)

***

Petitioner may file a new provisional application.

CONCLUSION

The petition is **dismissed**; the error was not Office error, and the fee is not waived.

The application is released to the Office of Patent Application Processing (OPAP) for further processing as necessary with a filing date of 18 June, 2010, with 21 pages of specification (description, claims, abstract) and two (2) sheets of drawings all as deposited, but without drawing FIGS. 5-9.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

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4417 LANCASTER PIKE
WILMINGTON DE 19805

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OFFICE OF PETITIONS

In re Application of	:	
Percec et al.	:	DECISION ON PETITION
Application No. 61/569,318	:	PURSUANT TO
Date of Deposit: December 12, 2011	:	37 C.F.R. § 1.182
Attorney Docket No. CL5164USNA	:	
Title: CATHODIC ELECTROCOATING COMPOSITIONS	:	

This is a decision on the "REQUEST FOR DELETION OF THIS APPLICATION AND THE RETURN OF THE FILING FEE IN THE AMOUNT OF $250.00," filed December 15, 2011. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182, requesting that the above-identified application be deleted and the filing fee returned.

The petition is **DISMISSED**.

The fee for filing a petition pursuant to 37 C.F.R. § 1.182 is set forth in 37 C.F.R. § 1.17(f) as being $400, with no reduction for small entity status. The petition makes no mention of the inclusion of said fee.[1] The payment of the required petition fee is a prerequisite to the filing of a petition pursuant to 37 C.F.R. § 1.182. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature.

[1] It is noted that the Electronic Acknowledgement Receipt that was included on filing authorizes the Office to charge any additional fees required under 37 C.F.R. § 1.17 to Deposit Account number 04-1928.

It is noted in passing that Applicant has explained that the filing of this application as a provisional application was an inadvertent mistake. "Upon completion of the filing," Applicant realized the mistake and re-filed the application.[2] As such, Applicant filed another new application to correct an error in the first application, and therefore, Applicant filed two applications. Applicant will note that the Legal Framework for EFS-Web, section C5, sets forth, *in pertinent part*:

> "If applicant files another new application to correct an error in the first application, applicant will have filed two applications. Applicant may continue to prosecute the first application that has the error or abandon the first application by filing a declaration of express abandonment. Please note that any fees paid in the first application will not be refunded or applied to the second application. Applicant may request refund of the search fee and any excess claims fees (but not the basic filing fee, examination fee, and application size fee) paid in the first application if the application was filed under 35 U.S.C. 111(a) on or after December 8, 2004, and the applicant files a petition for express abandonment in accordance with 37 CFR 1.138(d)."
>
> http://www.uspto.gov/patents/process/file/efs/guidance/New legal framework.jsp.

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.

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.[3]

Paul Shanoski
Senior Attorney
Office of Petitions

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[2] The second submission was accorded an application number of 13/316,658.
[3] Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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In re Application of	:	
Witowski et al.	:	
Application No. 61/569475	:	
Filing or 371(c) Date: 12/12/2011	:	
Attorney Docket Number:	:	DECISION
2007878-0220	:	ON PETITION

This is a decision on the "Petition to Accord a Filing Date," filed January 12, 2012, requesting this Office accord the application a filing date of December 12, 2011. The petition is properly treated under 37 C.F.R. 1.53(e).

The petition is granted.

The application was filed on December 12, 2011. On December 30, 2011, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicants respond with the present petition and provides that drawings are not necessary for an understanding of the subject matter of the invention. Applicants also reference the MPEP 608.02, section III.

A review of the file reveals that the specification contains method claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition 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).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in

MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains method claims; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice mailed December 30, 2011, was mailed in error and is hereby withdrawn.

This application is being referred to the Office of Patent Application Processing, Customer Corrections, for further processing, with the filing date of December 12, 2011, and an indication that no drawings were present or required on filing.

The petition fee has been refunded to Petitioner's credit card.

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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

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

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

(continued)

Application No.:	
First Named Inventor:	Devon Gordon

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

☐ Is attached

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

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

☐ Are attached.

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence

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

Signature	Date 6/20/11
Name (Print/Typed) DEVON GORDON	Registration Number

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:		Filing date:	
First Named Inventor:	Deron Gordon		
Title of the Invention:	Order's Now		

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

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

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

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

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

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

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

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

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

Application No:		Filing date:	
First Named Inventor:	Devon Gordon		
Title of the Invention:	Order's Now		

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

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

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

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

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

I. List of Required Documents:

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

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

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

(continued)

Application No.:	
First Named Inventor:	Devon Gordon

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

☐ Is attached

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

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

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence

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

Signature	Date 6/20/11
Name (Print/Typed) DEVON GORDON	Registration Number

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
13/161,421	06/15/2011	Carl E. Mero	SEMS:173USP1

CONFIRMATION NO. 5398

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000048852386

Date Mailed: 07/19/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/27/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,271.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/167,403	06/23/2011	Chris Kelly	3418.225US01

CONFIRMATION NO. 7957

24113
PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

CONVERSION REQUEST

OC000000048852098

Date Mailed: 07/19/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/27/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,272.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/066,516	04/15/2011	Raymond T. Jones	

CONFIRMATION NO. 7860

RAYMOND T. JONES
54 DEPOT ST.
DUNSTABLE, MA 01827

CONVERSION REQUEST

OC000000048854325

Date Mailed: 07/19/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/02/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,273.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/907,049	10/19/2010	Philipp Stroh	P08346US-SO

CONFIRMATION NO. 1286

AIR MAIL
Gulde Hengelhaupt Ziebig & Schneider
Wallstr. 58/59
Berlin, 10179
GERMANY

CONVERSION REQUEST

OC000000049028639

Date Mailed: 08/01/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/29/2010,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,274.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/842,461	07/23/2010	Keith Ronald FOLKEN	08350.0155-00000

CONFIRMATION NO. 4134

58982
CATERPILLAR/FINNEGAN, HENDERSON, L.L.P.
901 New York Avenue, NW
WASHINGTON, DC 20001-4413

CONVERSION REQUEST

OC000000049153246

Date Mailed: 08/09/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/05/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,275.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 23 2011

OFFICE OF PETITIONS

CATERPILLAR/FINNEGAN, HENDERSON, L.L.P.
901 New York Avenue, NW
WASHINGTON, DC 20001-4413

In re Application of Folken et al. :
Application No. 12/842,461 : Decision on Petition
Filing Date: July 23, 2010 :
Attorney Docket No. 08350.0155-00000 :

This is a decision on the petition under 37 CFR 1.53(e) filed June 3, 2011, and supplemented June 22, 2011,[1] to accord the application a filing date of July 23, 2010. This is also a decision on the petition under 37 CFR 1.182 filed June 3, 2011, requesting expedited consideration of the petition under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **granted**.

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

The instant application was filed July 23, 2010.

The specification filed July 23, 2010, describes drawings containing Figures 1-5, but the file does not include any drawings filed July 23, 2010.

The Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application on May 26, 2011. The notice stated drawings were not present, the application had not been accorded a filing date, and the filing date would be the date of receipt of the drawings.

The petition requests the application be accorded a filing date of July 23, 2010. The petition states drawings are "unnecessary for the understanding of the subject matter sought to be patented."

The petition is accompanied by an amendment which cancels all references to the drawings in the specification and cancels all the claims except claims 16-24. The petition filed June 22, 2011, states, "In view of the Preliminary Amendment, the current application only contains process claims."

[1] The petition under 37 CFR 1.53(e) and an amendment were improperly filed as part of a single paper on June 3, 2011. The petition and amendment were submitted as separate papers on June 22, 2011.

Copied from 12842461 on 08/15/2011

MPEP 601.01(f) states 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).

At least one of the claims filed July 23, 2010, is directed to a process or method. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g). In other words, the Office should have mailed a "Notice of Omitted Item(s)" indicating drawings were missing but a filing date had been accorded, rather than a "Notice of Incomplete Application."

The notice mailed May 26, 2011, was mailed in error and is hereby withdrawn.

During examination, if the examiner determines drawings are necessary under 35 USC 113, the examiner may reconsider the filing date issue and have the Office of Patent Application Processing mail a Notice of Incomplete Application. See MPEP 601.01(f).

The application is being returned to the Office of Patent Application Processing for:

- correction of the filing date to July 23, 2010;
- indication in Office records, as appropriate, that "0" sheets of drawings were present on filing and
- issuance of a filing receipt.

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

Copied from 12842461 on 08/15/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/842,461	07/23/2010	Keith Ronald FOLKEN	08350.0155-00000	4134

58982 7590 07/28/2011

CATERPILLAR/FINNEGAN, HENDERSON, L.L.P.
901 New York Avenue, NW
WASHINGTON, DC 20001-4413

EXAMINER	
GONZALEZ, JULIO C	
ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
07/28/2011	PAPER

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

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

Applied from 12842461 on 08/15/2011

UNITED STATES 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/FINNEGAN, HENDERSON, L.L.P.
901 New York Avenue, NW
WASHINGTON, DC 20001-4413

In re Application of Keith Ronald Folken et al. :
Appl. No.: 12/842,461 : **DECISION ON PETITION**
Filed: July 23, 2010 : **UNDER 37 C.F.R. §1.53(c)(2)**
Attorney Docket No.: 08350.0155-00000 :
For: GENERATOR SET CALIBRATION CONTROLLER :

This is a decision on the petition under 37 C.F.R. §1.53(c)(2), filed July 5, 2011, to convert the above identified application to a provisional application.

The petition is granted.

A grantable petition under 37 C.F.R. §1.53(c)(2) requires the filing fee set forth in 37 C.F.R. §1.17(q). The request must be filed prior to abandonment of the 37 C.F.R. §1.53(b) application, the payment of the issue fee, the expiration of 12 months after the filing date of the 37 C.F.R. §1.53(b) application, or the filing of a request for a statutory invention registration, whichever event is the earliest.

The application is being returned to the Office of Patent Application Processing (OPAP) for further processing as a PROVISIONAL application under 35 U.S.C. § 111(b) and 37 C.F.R. §1.53(c)(2), including the assignment of a new provisional application number.

The new provisional application number will be communicated to the applicant by OPAP in due course.

Telephonic inquires concerning this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Diego F.F. Gutierrez
for

Mark Powell, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Copied from 12842461 on 08/15/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/118,019	05/27/2011	Jui-Yi Tsai	UDC-754US(805704)

CONFIRMATION NO. 8783

20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

CONVERSION REQUEST

OC000000049963746

Date Mailed: 09/22/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/14/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,276.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/948,187	11/17/2010	Tom Fishback	203557.00151

CONFIRMATION NO. 3388

21324
HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON, OH 44311-1076

CONVERSION REQUEST

OC000000049964020

Date Mailed: 09/26/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/13/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,277.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/948,187	11/17/2010	Tom Fishback	203557.00151	3388

21324 7590 05/17/2011

HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON, OH 44311-1076

EXAMINER	
ART UNIT	PAPER NUMBER
3633	

NOTIFICATION DATE	DELIVERY MODE
05/17/2011	ELECTRONIC

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

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patents@hahnlaw.com
akron-docket@hotmail.com

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAY 17 2011

Hahn, Loeser & Parks, LLP
One GOJO Plaza
Suite 300
Akron, OH 44311-1076

In re application of :
Tom Fishback et al. :
Application No. 12/948,187 : DECISION ON PETITION
Filed: November 17, 2010 : TO CONVERT TO A
For: METHOD FOR FILLING WALL CAVITITES WITH EXPANDING FOAM INSULATION : PROVISIONAL APPLICATION

This is a decision on the petition under 37 CFR 1.53(c)(2) filed May 13, 2011 to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2).

The requirements for the granting of such a petition are: (A) a petition requesting conversion and the petition fee set forth in 37 CFR 1.17(q), and (B) the petition must be filed prior to the abandonment of the 37 CFR 1.53(b) application, the payment of the issue fee, the expiration of 12 months after the applications filing date, or the filing of a request for a statutory invention registration under 37 CFR 1.293, whichever event is earlier. Upon the grant of such a petition no fees properly paid in the 37 CFR 1.53(b) application are entitled to be refunded.

Since all of the requirements for conversion to a provisional application under 37 CFR 1.53(c)(2) have been met, the petition is **GRANTED**.

The application will be assigned a new provisional application number and will be further processed by the Office of Initial Patent Examination (OIPE) as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2). The new provisional application number will be communicated to applicant by OIPE in due course.

Steven N. Meyers, Quality Assurance Specialist
Patent Technology Center 3600
(571) 272-6611

SM/SM: 5/15/11

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/018,445	02/01/2011	Sandeep Koranne	10689-REG1

CONFIRMATION NO. 8561

58377
MENTOR GRAPHICS CORP.
PATENT GROUP
8005 SW BOECKMAN ROAD
WILSONVILLE, OR 97070-7777

CONVERSION REQUEST

OC000000049998070

Date Mailed: 09/23/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/16/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,278.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/835,887	07/14/2010	Travis Perry	11069-09RD

CONFIRMATION NO. 1088

78129
Gibbs Whitwell, PLLC
1400 Meadowbrook Rd. STE 100
JACKSON, MS 39211

CONVERSION REQUEST

Date Mailed: 09/23/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/13/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,279.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/835,887	07/14/2010	Travis Perry	11069-09RD	1088

78129 7590 07/28/2011

Gibbs Whitwell, PLLC
1400 Meadowbrook Rd. STE 100
JACKSON, MS 39211

EXAMINER	
LOCKETT, KIMBERLY R	
ART UNIT	PAPER NUMBER
2832	
MAIL DATE	DELIVERY MODE
07/28/2011	PAPER

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FRASCOGNA COURTNEY, PLLC
P.O. BOX 23126
JACKSON, MS 39225-3126

In re Application of Travis Perry
Appl. No.: 12/835,887
Filed: July 14, 2010
For: CHORD PLAYING ATTACHMENT
Attorney Docket No.: 11069-09RD

DECISION ON PETITION UNDER 37 C.F.R. §1.53(c)(2)

This is a decision on the petition under 37 C.F.R. §1.53(c)(2), filed July 13, 2011, to convert the above identified application to a provisional application.

The petition is granted.

A grantable petition under 37 C.F.R. §1.53(c)(2) requires the filing fee set forth in 37 C.F.R. §1.17(q). The request must be filed prior to abandonment of the 37 C.F.R. §1.53(b) application, the payment of the issue fee, the expiration of 12 months after the filing date of the 37 C.F.R. §1.53(b) application, or the filing of a request for a statutory invention registration, whichever event is the earliest.

The application is being returned to the Office of Patent Application Processing (OPAP) for further processing as a PROVISIONAL application under 35 U.S.C. §111(b) and 37 C.F.R. §1.53(c)(2), including the assignment of a new provisional application number.

The new provisional application number will be communicated to the applicant by OPAP in due course.

Telephonic inquires concerning this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Diego F.F. Gutierrez
for

Mark Powell, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/180,937	07/12/2011	Alfred Rodrigue Berube JR.	PT-3493-US-PSP(7)

CONFIRMATION NO. 3384

68622
Marie P. Concemi
SMITH & NEPHEW, INC.
150 Minuteman Road
Andover, MA 01810

CONVERSION REQUEST

OC000000049997844

Date Mailed: 09/23/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/04/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,280.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/018,413	01/31/2011	Laurent Desclos	ETRNCS.022A

CONFIRMATION NO. 8492

83790
Coastal Patent, LLC
P.O.BOX 232340
San Diego, CA 92193

CONVERSION REQUEST

OC000000049997924

Date Mailed: 09/23/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/15/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,281.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/198,433	08/04/2011	Edward Val White	11-0236

CONFIRMATION NO. 7782

81485
Thompson Hine LLP
10 West 2nd Street
2000 Courthouse Plaza, NE
Dayton, OH 45402-1758

CONVERSION REQUEST

OC000000049997903

Date Mailed: 09/23/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/10/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,282.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/065,192	03/16/2011	George Petrides	

CONFIRMATION NO. 5389

GEORGE PETRIDES
219 MARINERS WAY
SAVANNAH, GA 31419

CONVERSION REQUEST

OC000000050132409

Date Mailed: 10/04/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **05/02/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,283.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/188,447	07/21/2011	Kamal Elfarissi	

CONFIRMATION NO. 8178

Kamal Elfarissi
14924 ROXTON AVE
GARDENA, CA 90249

CONVERSION REQUEST

Date Mailed: 09/23/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,284.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/087,493	04/15/2011	Esmael Dinan	BD-11-1001U

CONFIRMATION NO. 6358

92629
Esmael H. Dinan
13633 Cedar Run Lane
Herndon, VA 20171

CONVERSION REQUEST

OC000000050038623

Date Mailed: 09/27/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/11/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,285.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/087,493	04/15/2011	Esmael Dinan	BD-11-1001U	6358

92629 7590 08/09/2011

Esmael H. Dinan
13633 Cedar Run Lane
Herndon, VA 20171

EXAMINER	
ART UNIT	PAPER NUMBER
3621	

NOTIFICATION DATE	DELIVERY MODE
08/09/2011	ELECTRONIC

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dinan@dinantech.com

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AUG - 8 2011

Esmeal H. Dinan
13633 Cedar Run Lane
Herndon, VA 20171

In re application of Esmael Dinan	:	
Application No. 13/087,493	:	DECISION ON PETITION
Filed: November 17, 2010	:	TO CONVERT TO A
For: SECURE AND MOBILE FINANCIAL TRANSACTION	:	PROVISIONAL APPLICATION

This is a decision on the petition under 37 CFR 1.53(c)(2) filed August 3, 2011 to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2).

The petition is **DISMISSED**.

The requirements for the granting of such a petition are: (A) a petition requesting conversion and the petition fee set forth in 37 CFR 1.17(q), and (B) the petition must be filed prior to the abandonment of the 37 CFR 1.53(b) application, the payment of the issue fee, the expiration of 12 months after the applications filing date, or the filing of a request for a statutory invention registration under 37 CFR 1.293, whichever event is earlier. Upon the grant of such a petition no fees properly paid in the 37 CFR 1.53(b) application are entitled to be refunded.

Since the above-noted requirement of a petition fee under 37 CFR 1.17(q) has apparently not been met, as the Office has no record of receiving any such fee, the petition for conversion to a provisional application under 37 CFR 1.53(c)(2) is **DISMISSED**.

Steven N. Meyers,
Quality Assurance Specialist
Patent Technology Center 3600
(571) 272-6611

SM/SM: 8/4/11

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AUG 19 2011

Esmeal H. Dinan
13633 Cedar Run Lane
Herndon, VA 20171

In re application of	:	
Esmael Dinan	:	
Application No. 13/087,493	:	DECISION ON PETITION
Filed: November 17, 2010	:	TO CONVERT TO A
For: SECURE AND MOBILE FINANCIAL TRANSACTION	:	PROVISIONAL APPLICATION

This is a decision on the renewed petition under 37 CFR 1.53(c)(2) filed August 11, 2011, to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2).

The requirements for the granting of such a petition are: (A) a petition requesting conversion and the petition fee set forth in 37 CFR 1.17(q), and (B) the petition must be filed prior to the abandonment of the 37 CFR 1.53(b) application, the payment of the issue fee, the expiration of 12 months after the applications filing date, or the filing of a request for a statutory invention registration under 37 CFR 1.293, whichever event is earlier. Upon the grant of such a petition no fees properly paid in the 37 CFR 1.53(b) application are entitled to be refunded.

Since all of the requirements for conversion to a provisional application under 37 CFR 1.53(c)(2) have been met, the petition is **GRANTED**.

The application will be assigned a new provisional application number and will be further processed by the Office of Initial Patent Examination (OIPE) as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2). The new provisional application number will be communicated to applicant by OIPE in due course.

Steven N. Meyers,
Quality Assurance Specialist
Patent Technology Center 3600
(571) 272-6611

SM/SM: 8/18/10

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/205,011	08/08/2011	Ken YAMATANI	27928

CONFIRMATION NO. 1094

23389
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

CONVERSION REQUEST

OC000000049971542

Date Mailed: 09/23/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/16/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,286.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/093,110	04/25/2011	Brian Kelly	P39607.00 US

CONFIRMATION NO. 8112

28390
MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

CONVERSION REQUEST

OC000000050195726

Date Mailed: 10/11/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/21/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,287.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/093,110	04/25/2011	Brian Kelly	P39607.00 US	8112

28390 7590 09/26/2011

MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

EXAMINER	
DVORAK, LINDA C	

ART UNIT	PAPER NUMBER
3739	

NOTIFICATION DATE	DELIVERY MODE
09/26/2011	ELECTRONIC

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rs.vasciplegal@medtronic.com
medtronic_cv_docketing@cardinal-ip.com

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MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA CA 95403

In re Application of:
KELLY, BRIAN et al
Serial No.: 13/093,110
Filed: April 25, 2011
Docket: P39607.00us
Title: APPARATUS AND METHODS FOR PARTIAL OR NON-CONTINUOUS CIRCUMFERENTIAL CRYOGENIC ABLATION OF A VESSEL WALL

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.53(C)(2) and MPEP 601.01(C)

This is a decision on the petition for conversion to a provisional application filed Sep. 21, 2011 under 37 CFR 1.53 (C) (2). A fee of $50.00 under 37 CFR § 1.17(q) has been paid.

The petition filed on Sep. 21, 2011 requests conversion to a provisional application under 37 CFR 1.53(C) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (C) (2) (i-iii).

The petition is **GRANTED**. The application is being forwarded to the Office of Initial Patent Examination for further processing.

/Henry C. Yuen/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/093,112	04/25/2011	Brian Kelly	P39602.00 US

CONFIRMATION NO. 8115

28390
MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

CONVERSION REQUEST

Date Mailed: 10/13/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/21/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,288.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/093,112	04/25/2011	Brian Kelly	P39602.00 US	8115

28390 7590 09/26/2011

MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

EXAMINER	
ART UNIT	PAPER NUMBER
3739	

NOTIFICATION DATE	DELIVERY MODE
09/26/2011	ELECTRONIC

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

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

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

rs.vasciplegal@medtronic.com
medtronic_cv_docketing@cardinal-ip.com

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MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA CA 95403

In re Application of:
KELLY, BRIAN et al
Serial No.: 13/093,112
Filed: April 25, 2011
Docket: P39602.00 US
Title: APPARATUS AND METHODS FOR PARTIAL CIRCUMFERENTIAL CRYOGENIC ABLATION OF A VESSEL WALL

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.53(C)(2) and MPEP 601.01(C)

This is a decision on the petition for conversion to a provisional application filed Sep. 21, 2011 under 37 CFR 1.53 (C) (2). A fee of $50.00 under 37 CFR § 1.17(q) has been paid.

The petition filed on Sep. 21, 2011 requests conversion to a provisional application under 37 CFR 1.53(C) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (C) (2) (i-iii).

The petition is **GRANTED**. The application is being forwarded to the Office of Initial Patent Examination for further processing.

/Henry C. Yuen/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/093,112	04/25/2011	Brian Kelly	P39602.00 US

CONFIRMATION NO. 8115

28390
MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

CONVERSION REQUEST

Date Mailed: 10/13/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/21/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,288.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/098,174	04/29/2011	Barry Mullins	P39606.00 US

CONFIRMATION NO. 8104

28390
MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

CONVERSION REQUEST

OC000000050197600

Date Mailed: 10/11/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/21/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,289.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/015,883	01/28/2011	Kevin Mauch	P38945

CONFIRMATION NO. 3452

28390
MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

CONVERSION REQUEST

OC000000050312652

Date Mailed: 10/13/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/21/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,290.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/218,430	08/25/2011	William C. Johnson	SEMS:194US

CONFIRMATION NO. 7897

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050312455

Date Mailed: 10/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,291.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/187,860	07/21/2011	Philip Brannon	APLE 200039US01

CONFIRMATION NO. 7040

27885
FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

CONVERSION REQUEST

OC000000050283127

Date Mailed: 10/07/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/06/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,292.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/219,383	08/26/2011	William McCarthy	SEMS:185US

CONFIRMATION NO. 9732

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050312541

Date Mailed: 10/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,293.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/219,429	08/26/2011	Bernardus Baerends	SEMS:188US

CONFIRMATION NO. 9832

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050312809

Date Mailed: 10/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,294.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/219,441	08/26/2011	Bernardus Baerends	SEMS:191US

CONFIRMATION NO. 9862

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050311970

Date Mailed: 10/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,295.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/227,474	09/07/2011	Arie Oppelaar	SEMS:198US

CONFIRMATION NO. 5560

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050313149

Date Mailed: 10/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,296.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/221,749	08/30/2011	Kenneth Kmiecik	SEMS:187US

CONFIRMATION NO. 4101

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050313078

Date Mailed: 10/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,297.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/219,436	08/26/2011	Bernardus Baerends	SEMS:190US

CONFIRMATION NO. 9850

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050312968

Date Mailed: 10/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,298.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/219,434	08/26/2011	Bernardus Baerends	SEMS:189US

CONFIRMATION NO. 9844

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050312086

Date Mailed: 10/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,299.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/221,798	08/30/2011	Kenneth Kmiecik	SEMS:192US

CONFIRMATION NO. 4195

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050312356

Date Mailed: 10/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,300.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/221,810	08/30/2011	William C. Johnson	SEMS:195US

CONFIRMATION NO. 4223

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000050312260

Date Mailed: 10/12/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **09/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,301.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/822,077	06/23/2010	Mike Lisk	R156 1010.1

CONFIRMATION NO. 5107

26158
WOMBLE CARLYLE SANDRIDGE & RICE, LLP
ATTN: IP DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357-0037

CONVERSION REQUEST

OC000000050426188

Date Mailed: 10/21/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **06/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,302.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,077	06/23/2010	Mike Lisk	R156 1010.1	5107

26158 7590 10/13/2011

WOMBLE CARLYLE SANDRIDGE & RICE, LLP
ATTN: IP DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357-0037

EXAMINER	
KRAMER, DEVON C	
ART UNIT	PAPER NUMBER
3746	

MAIL DATE	DELIVERY MODE
10/13/2011	PAPER

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

Copied from 12822077 on 10/21/2011

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WOMBLE CARLYLE SANDRIDGE & RICE, LLP
ATTN: IP DOCKETING
P.O. BOX 7037
ATLANTA GA 30357-0037

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.53(C)(2) and MPEP 601.01(C)

In re Application of:
LISK, MIKE
Serial No.: 12/822,077
Filed: June 23, 2010
Docket: R156 1010.1

Title: WELL WATCHMAN PUMPING AND CONTROL SYSTEM

This is a decision on the petition for conversion to a provisional application filed June 22, 2011 under 37 CFR 1.53 (C) (2). A fee of $50.00 under 37 CFR § 1.17(q) has been paid.

The petition filed on June 22, 2011 requests conversion to a provisional application under 37 CFR 1.53(C) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). It was also filed within the time frames as set forth in 37 CFR 1.53 (C) (2) (i-iii).

The petition is **GRANTED**. The application is being forwarded to the Office of Initial Patent Examination for further processing.

/Henry C. Yuen/

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

Copied from 12822077 on 10/21/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/134,962	06/21/2011	Thomas Andrew Dawson	

CONFIRMATION NO. 7532

CONVERSION REQUEST

AIR MAIL
Thomas Andrew Dawson
55 Connaught Road
Aldershot
Hampshire, GU124RR
UNITED KINGDOM

OC000000050528302

Date Mailed: 10/21/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/06/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,303.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
13/134,962	06/21/2011	Thomas Andrew Dawson	

CONFIRMATION NO. 7532

CONVERSION REQUEST

AIR MAIL
Thomas Andrew Dawson
55 Connaught Road
Aldershot
Hampshire, GU124RR
UNITED KINGDOM

OC000000049266731

Date Mailed: 08/11/2011

DECISION DISMISSING REQUEST UNDER 37 CFR 1.53(c)(2) TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **08/01/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is dismissed because it does not comply with all the requirements of 37 CFR 1.53(c)(2).

A grantable request under 37 CFR 1.53(c)(2) to convert a non-provisional application to a provisional application must be accompanied by the processing fee set forth in 37CFR 1.17(q) and be filed prior to the earliest of: abandonment of the application filed under 37 CFR 1.53(b); payment of the issue fee on the application filed under 37 CFR 1.53(b); expiration of twelve months after the filing date of the application filed under 37 CFR 1.53(b); or the filing of a request for a statutory invention registration under 37 CFR 1.293 in the application filed under 37 CFR 1.53(b). The present request is not grantable because:

It is not accompanied by the fee required by 37 CFR 1.17(q).

Any request for reconsideration of this decision must be filed within TWO MONTHS of the date of this decision. This time limit may NOT be extended pursuant to 37 CFR 1.136. The request must be accompanied by the items noted above.

Any inquiries related to this decision should be directed to Application Assistance Unit at (571) 272-4000, or (571) 272-4200, or 1-888-786-0101.

A copy of this notice MUST be returned with the reply.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

Copied from 13134962 on 12/19/2011

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Coastal Patent, LLC
P.O.BOX 232340
San Diego CA 92193

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of	:	
DAY, Alexandrea	:	
Application No. 12/958,684	:	DECISION ON PETITION
Filed: December 02, 2010	:	TO WITHDRAW
Attorney Docket No. ADAY.001A	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 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 requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Joshua Schoonover on behalf of all attorneys of record who are associated with customer No. 83790. All attorneys/agents associated with the Customer Number 83790 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Alexandrea Day at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **ALEXANDREA DAY**
238 7TH AVE.
KIRKLAND WA 98033

Copied from 12958684 on 10/26/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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OCT 24 2011

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

In re application of Alexandria Day	:	
Application No. 12/958,684	:	DECISION ON PETITION
Filed: December 2, 2010	:	TO CONVERT TO A
For: MULTI-PLAYER VIDEOBAR & RELATED METHODS	:	PROVISIONAL APPLICATION

This is a decision on the petition under 37 CFR 1.53(c)(2) filed October 21, 2011, to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2).

The requirements for the granting of such a petition are: (A) a petition requesting conversion and the petition fee set forth in 37 CFR 1.17(q), and (B) the petition must be filed prior to the abandonment of the 37 CFR 1.53(b) application, the payment of the issue fee, the expiration of 12 months after the applications filing date, or the filing of a request for a statutory invention registration under 37 CFR 1.293, whichever event is earlier. Upon the grant of such a petition no fees properly paid in the 37 CFR 1.53(b) application are entitled to be refunded.

Since all of the requirements for conversion to a provisional application under 37 CFR 1.53(c)(2) have been met, the petition is **GRANTED**.

The application will be assigned a new provisional application number and will be further processed by the Office of Initial Patent Examination (OIPE) as a **PROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(2). The new provisional application number will be communicated to applicant by OIPE in due course.

Steven N. Meyers,
Quality Assurance Specialist
Patent Technology Center 3600
(571) 272-6611

SM/SM: 10/23/11

Copied from 12958684 on 10/26/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/958,684	12/02/2010	Alexandrea Day	950125.401

CONFIRMATION NO. 3578

500
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE, WA 98104

CONVERSION REQUEST

OC000000050581257

Date Mailed: 10/27/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/21/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,304.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/199,746	09/08/2011	Charles Gregory Tripician	

CONFIRMATION NO. 7783

Charles G Tripician
2407 Oak Ave
Northfield, NJ 08224

CONVERSION REQUEST

OC000000051256498

Date Mailed: 12/02/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/31/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,305.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/199,745	09/08/2011	Charles Gregory Tripician	

CONFIRMATION NO. 7166

Charles Gregory Tripician
2407 Oak Ave
Northfield, NJ 08225

CONVERSION REQUEST

OC000000051265428

Date Mailed: 12/02/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **10/31/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,306.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/199,838	09/12/2011	Melvin Reyes	REYEM41214

CONFIRMATION NO. 6032

21587
ALTMAN & MARTIN
6 BEACON ST, STE 600
BOSTON, MA 02108

CONVERSION REQUEST

OC000000051598529

Date Mailed: 12/22/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,307.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/199,837	09/12/2011	Melvin Reyes	REYEM41213

CONFIRMATION NO. 5915

21587
ALTMAN & MARTIN
6 BEACON ST, STE 600
BOSTON, MA 02108

CONVERSION REQUEST

OC000000051598483

Date Mailed: 12/22/2011

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/22/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,308.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/317,339	10/13/2011	Marc E. Davis	SE1-0541-US

CONFIRMATION NO. 6607

80118
Constellation Law Group, PLLC
P.O. Box 220
Tracyton, WA 98393

CONVERSION REQUEST

OC000000052126103

Date Mailed: 01/23/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **01/03/2012,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,309.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
13/189,306	07/22/2011	Carl E. Mero	SEMS:177USP1

CONFIRMATION NO. 9916

73905
SNR DENTON US LLP
P.O. BOX 061080
CHICAGO, IL 60606-1080

CONVERSION REQUEST

OC000000052043476

Date Mailed: 01/20/2012

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **11/10/2011,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/572,310.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

SHIRLEY A HOLMES
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED
DEC 13 2011
OFFICE OF PETITIONS

RENSSELAER POLYTECHNIC INSTITUTE
J BUILDING
110 8TH STREET
TROY NY 12180

In re Application:	:	
Wang et al.	:	
Application No. 61/573,209	:	NOTICE
Filed: September 1, 2011	:	
Attorney Docket No. RPI-1452	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 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.

Further, the address given on the request differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the request; however, the Office will mail all future correspondence solely to the address of record.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Stephen F. Swinton, Jr.
HOFFMAN WARNICK LLC
75 STATE STREET, 14TH FLOOR
ALBANY NY 12207

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ERIC PEAVEY
12315 N. W. 23RD AVE.
MIAMI FL 33167

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Eric Eugene Peavey et al. :
Application No. 61/573,220 : ON PETITION
Filed: September 2, 2011 :
Title of Invention: CHUM LEADER :

This is a decision on the communication filed October 21, 2011, requesting that the above-identified application be accorded a filing date of September 2, 2011, in response to the Notice of Omitted Items mailed September 19, 2011. The response is treated as a petition under 37 CFR 1.182.

The petition is **DISMISSED**.

On September 2, 2011 the application was filed. On September 19, 2011, the Office of Data Management mailed a Notice of Omitted Items in a Provisional Application stating that the application had been accorded a filing date of September 2, 2011 but that Figures 5a, 5b, 5c, 6, 6a, and 6b described in the specification appeared to have been omitted.

In response, petitioners concede that Figures 5a, 5b, 5c, 6, 6a, and 6b were in fact inadvertently omitted from the application as filed, but request that the application, including Figures 5a, 5b, 5c, 6, 6a, and 6b, be accorded a filing date of September 2, 2011.

At the outset, the instant petition is not accompanied by the statutorily set petition fee in the amount of $400 and neither has an authorization to a deposit account been provided.

Thus, this petition cannot be treated on the merits.

Although, the petition, if considered substantively, also would have to be dismissed because as Figures 5a, 5b, 5c, 6, 6a, and 6b were not filed with the application, and since this was all due to applicant's filing error, the Notice of Omitted Items

correctly stated that Figures 5a, 5b, 5c, 6, 6a, and 6b appeared to have been omitted.

Petitioners are further advised that for provisional applications, the option to take the later filing date, *i.e.*, the date of submission of the omitted page(s) or drawing(s), is not available.[1] As such, if petitioners desired to have Figures 5a, 5b, 5c, 6, 6a, and 6b considered as part of the application, petitioners should simply file a new completed provisional application, including Figures 5a, 5b, 5c, 6, 6a, and 6b.

The application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of September 2, 2011, using the application papers filed on that date. The drawings filed with the petition will not be used and will not be added to the drawings filed with the application on September 2, 2011.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 601.01(d). In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of submission in provisional applications. The applicant should simply file a new completed provisional application. Id.

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known): 13/077,691	Filing date: 03/31/2011

First Named Inventor: Susan Rene Rigali

Title: Solar Vendor Bike

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature Susan Rene Rigali	Date 9-8-2011
Name (Print/Typed) Susan Rene Rigali	Registration Number 13/077,691

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

■ *Total of _____ forms are submitted.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
61/573,584	09/08/2011	Susan Rene Rigali		4905

7590 10/21/2011

Susan Rene Rigali
19222 Arminta Street
Reseda, CA 91335

EXAMINER	
ART UNIT	PAPER NUMBER

MAIL DATE	DELIVERY MODE
10/21/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Susan Rene Rigali
19222 Arminta Street
Reseda CA 91335

OCT 2 1 2011

In re Application of :
Susan R. Rigali : DECISION ON PETITION
Application No. 61/573,584 : TO MAKE SPECIAL UNDER
Filed: September 08, 2011 : THE GREEN TECHNOLOGY
: PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed September 08, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

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

The present application is a provisional application. Accordingly, this application is not eligible in the Green Technology Pilot Program.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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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Peter Andersen
4942 Kingston Way
Naples FL 34119

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of :
PETER ANDERSON ET AL. :
Application No. 61/573,598 : DECISION ON PETITION
Filed: September 12, 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 12, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

A petition to make special cannot be filed on a provision application because a provisional application will not be examined for patentability. Therefore, the petition is **DISMISSED AS MOOT**.

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

/JoAnne Burke/
JoAnne Burke
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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SEVENTH FLOOR, KALAMAZOO BUILDING
107 WEST MICHIGAN AVENUE
KALAMAZOO MI 49007

MAILED

OCT 06 2011

OFFICE OF PETITIONS

In re Application of :
Jurgen Frevert :
Application No. 61/574,596 : DECISION DISMISSING
Filed: August 5, 2011 : PETITION
Attorney Docket No. MERZ 166 SEQ PRO :

This is a decision on the PETITION TO ACCORD FILING DATE UNDER 37 CFR § 1.10 filed September 21, 2011, to accord a filing date of August 4, 2011, instead of the presently accorded filing date of August 5, 2011.

Petitioners request the earlier date on the basis that the application was purportedly deposited in Express Mail service on August 4, 2011, pursuant to the requirements of 37 CFR 1.10. Specifically, petitioners assert that the application was "deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR § 1.10...", evidenced by a Certificate of Express Mail and the "Track & Confirm" record associated with the Express Mail shipment of EM453818469US.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date.[1] (emphasis added)

Paragraph (d) of 37 CFR 1.10 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 Commissioner 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;

[1] See 37 CFR 1.6(a).

(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 Commissioner, that the requested filing date was the date the correspondence was deposited in "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. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

At the outset, petitioners should note that there is no requirement under 37 CFR 1.10 for a certificate of mailing by "Express Mail".[2]

The petition lacks the showing required by items (2) and (3) above. No express mail label has been provided, neither have petitioners provided evidence to show that 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". In view thereof, petitioners have not presented sufficient corroborating evidence that the correspondence was deposited in Express Mail service prior to the last scheduled pickup for the day on August 4, 2011. If the error was due to the USPS entering the wrong date on the Express Mail label, petitioners should request a letter from the USPS stating that the correct date of deposit is August 4, 2011, and explaining why the error occurred. Additionally, petitioners may provide evidence that came into being after deposit and within one business day of deposit of the application in Express Mail. Such evidence may include a mail log with an entry made after the application was deposited in Express Mail, or a letter to the client sent after the mailing of the application confirming the mailing of the application.

Accordingly, the petition is **DISMISSED**.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[2] See 1174 O.G. Pat. Of. 92 (May 16, 1995).

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KALAMAZOO MI 49007

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DEC 02 2011
OFFICE OF PETITIONS

In re Application of :
Jurgen Frevert :
Application No. 61/574,596 : DECISION GRANTING
Filed: August 4, 2011 : PETITION
Attorney Docket No. MERZ 166 SEQ PRO :

This is a decision on the "FIRST RENEWED PETITION TO ACCORD FILING DATE UNDER 37 CFR § 1.10" filed November 4, 2011, to accord a filing date of August 4, 2011, instead of the presently accorded filing date of August 5, 2011.

Petitioners request the earlier date on the basis that the application was purportedly deposited in Express Mail service on August 4, 2011, pursuant to the requirements of 37 CFR 1.10[1]. Specifically, petitioners assert that the application was "deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR § 1.10...", evidenced by a Certificate of Express Mail and the "Track & Confirm" record associated with the Express Mail shipment of EM453818469US.

A petition filed September 21, 2011, treated under 37 CFR 1.10(d)[2], was dismissed in a

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[1]Paragraph (a) of 37 CFR 1.10 states that:

Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. (emphasis added)

[2]Paragraph (d) of 37 CFR 1.10 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 Commissioner 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 Commissioner, that the requested filing date was the date the correspondence was deposited in "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. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

decision mailed October 6, 2011 because petitioners failed to show that the application had been deposited in the USPS Express Mail Service on August 4, 2011.

Comes now petitioner with the instant petition renewing the argument that "Commensurate with the Certificate of Express Mail Transmission, the application contents were "deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR § 1.10..." "...prior to the last scheduled pickup for that day."

A review of the evidence presented, the Certificate of Express Mail Transmission, petitioner is advised again that the that there is no requirement under 37 CFR 1.10 for a certificate of mailing by "Express Mail"[3], and such is not sufficient corroborating evidence that the correspondence was deposited in Express Mail service prior to the last scheduled pickup for the day on August 4, 2011. However, for this limited purpose, it appears that the Certificate of Express Mail Transmission included an itemized list of the contents of the application materials being filed and included the number of the "Express Mail" mailing label. Additionally, the evidence presented includes a copy of the USPS Track and Confirm information from the USPS website that indicates express mail package EM453818469US (the same Express Mail number found on the Certificate of Express Mail Transmission (the itemized transmittal sheet accompanying the original application papers located in the official file) was processed August 4, 2011.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is August 4, 2011 and thus is entitled to a filing date of August 4, 2011.

The petition is **GRANTED**.

This matter is being referred to the Office of Patent Application Processing for a correction of the filing date to August 4, 2011, not August 5, 2011, and for the mailing of a corrected filing receipt.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[3] See 1174 O.G. Pat. Of. 92 (May 16, 1995).

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FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of	:	
Lindloff et al.	:	
Application No. 61/575414	:	DECISION ON REQUEST
Filing or 371(c) Date: 08/19/2011	:	UNDER 37CFR 5.25
Attorney Docket Number:	:	
5000.P0266US	:	

Title of Invention: **RAUPENFAHRZEUG ZUR SCHNEEFLAECHENBEARBEITUNG UND HECKGERAETETRAEGER HIERFUER**

This is a decision on the "Petition for Retroactive Grant of Foreign Filing License," filed November 29, 2011, for a retroactive foreign filing license. The petition is properly treated under 37 CFR 5.25.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within **60 DAYS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". In the absence of any response within 60 days of the mailing date of this decision, such dismissal will be made final and a final action under 35 U.S.C. 185 will be taken.

Applicable Law, Rules and MPEP

37 CFR § 5.25 provides:

> (a) A petition for retroactive license under 35 U.S.C. 184 shall be presented in accordance with § 5.13 or § 5.14(a), and shall include:
> (1) A listing of each of the foreign countries in which the unlicensed patent application material was filed,
> (2) The dates on which the material was filed in each country,
> (3) A verified statement (oath or declaration) containing:
> (i) An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a

secrecy order,
(ii) A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
(iii) An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
(4) The required fee (§ 1.17(g) of this chapter).

(b) The explanation in paragraph (a) of this section must include a showing of facts rather than a mere allegation of action through error and without deceptive intent. The showing of facts as to the nature of the error should include statements by those persons having personal knowledge of the acts regarding filing in a foreign country and should be accompanied by copies of any necessary supporting documents such as letters of transmittal or instructions for filing. The acts which are alleged to constitute error without deceptive intent should cover the period leading up to and including each of the proscribed foreign filings.

(Emphasis added).

Statements of error must be supported by fact. They should not merely be conclusory but must include how and why the error occurred, as in reissue practice. See, for example, cases like *Site Microsurgical Systems Inc., v. Surgin Surgical Instruments, Inc.* 32 USPQ2d 1161, 1171. (The mere conclusion that the error was made through oversight in drafting by the patent attorney, without more, falls short of what the regulation requires).

In addition, the above explanation (37 CFR 5.25(a)(3)(iii) must include a showing of facts rather than a mere allegation of action through error and without deceptive intent. The showing of facts as to the nature of the error should include statements by all those persons responsible for or having personal knowledge of the acts regarding filing in a foreign country and should be accompanied by copies of any necessary supporting documents such as letters of transmittal or instructions for filing.

Analysis

The petition includes statements of facts from German Patent Agent Peter Wilhelm and United States Patent Attorney David G. Boutell, that an instruction letter was sent from Mr. Wilhelm to Mr. Boutell on August 18, 2011, and received by Mr. Boutell on August 18, 2011, requesting the filing of the above-identified application; however, no copy of the instruction letter has been included with the present petition. As noted supra, the petition should be accompanied by copies of any necessary supporting documents such as letters of transmittal or instructions for filing. A copy of the instruction letter from Mr. Wilhelm to Mr. Boutell on August 18, 2011, and received by Mr. Boutell on August 18, 2011, requesting the filing of the above-identified application, should be provided.

Conclusion

The petition is dismissed at this time in that the petition is defective. In the absence of any supporting documents such as letters of transmittal or instructions, the requirements set forth in 37 C.F.R. 5.25(b)) have not been met.

Accordingly, the provisions of 37 CFR 5.25 not having fully been met, the petition is DISMISSED, and in the absence of any response within 60 days of the mailing date of this decision, such dismissal will be made final and a final action under 35 U.S.C. 185 will be taken. Extensions of time are available under 37 CFR 1.136(a).

Telephone inquiries concerning this matter should be directed to Attorney Derek Woods at (571) 272-3232.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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WASHINGTON DC 20036

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MAR 01 2012
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In re Application of :
Ricardo Mansur : DECISION ON
Application No. 61/576,745 : PETITION
Filed: December 16, 2011 :
Attorney Docket No. 033919-00001 :

This is in response to the "RESPONSE TO NOTICE OF OMITTED ITEMS IN A PROVISIONAL APPLICATION," filed January 25, 2012. Petitioner requests that the Office include in the above-identified provisional application inadvertently omitted Figure(s) 4 and 5 supplied on petition.

Application papers in the above-identified provisional application were filed on December 16, 2011. However, on December 29, 2011, the Office of Patent Application Processing mailed a "Notice of Omitted Item(s) In A Provisional Application," stating that the application had been accorded a filing date; however, Figures 4 and 5 described in the specification appeared to be omitted from the application. This Notice set a two-month period for reply.

In response, applicant timely filed the instant petition. Applicant acknowledges that the drawing figures were inadvertently omitted and supplies those figures on petition.

In a provisional application, the mailing of a "Notice of Omitted Item(s)" will permit the applicant to:

> (A) promptly establish prior receipt in the USPTO of the page(s) at issue. An applicant asserting that the page(s) was in fact received by the USPTO with the application papers must, within 2 months from the date of the "Notice

> of Omitted Item(s)," file a petition under 37 CFR 1.53(e) with the petition fee set forth in 37 CFR 1.17(f), along with evidence of such deposit (37 CFR 1.181(f)). The petition fee will be refunded if it is determined that the page(s) was in fact received by the USPTO with the application papers deposited on filing. See MPEP 601.01(d).

This section further provides that:

> In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) and accord an application filing date as of the date of such submission in provisional applications. The applicant should simply file a new completed provisional application.

In this instance, petitioner does not assert that the missing figures were received by the Office with the application papers. Rather, petitioner acknowledges that the drawing figures were inadvertently omitted.

In view thereof, the petition is **DISMISSED**.

The drawings filed January 25, 2012 will not be entered.

The petition fee will not be refunded as the petition was necessitated by the condition of the application on filing.

This provisional application will maintain a filing date of December 16, 2011, using the application papers deposited on that date.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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BRIDGE PORT CT 06605-1601

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Application of :
C. Jeffery BRINKER et al. :
Application No. 61/577,410 : NOTICE UNDER 37 CFR. 1.28(c)
Filed: December 19, 2011 :
Attorney Docket No. N12-183PROV :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

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MONTREAL QC H3A 3H3
CANADA

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FEB 14 2012
OFFICE OF PETITIONS

In re Application of	:	
Seidah et al.	:	
Application No. 61/578,000	:	NOTICE
Filed: December 20, 2011	:	
Attorney Docket No. 765/12810.424	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed January 5, 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**.

Pursuant to petitioners' authorization, deposit account no. 07-1742 will be charged $125.00.

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
Senior Petitions Attorney
Office of Petitions

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MAR 27 2012
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ALBERTO FERNANDEZ DELL''OCA
Deauville 1781
MONTEVIDEO 11500 UY URUGUAY

In Re application of
Alberto Angel Fernandez Dell'Oca
Application No. 61/582,025
Filed: December 30, 2011
Attorney Docket No.

ON PETITION

This is a decision on the letter filed January 19, 2012, which is being treated as a petition under 37 CFR 1.59(b), to expunge information from the above identified application.

The petition is **DISMSSED**.

Petitioner requests that the image files, filed December 30, 2011 be expunged from the record. Petitioner states that the image files were sent by mistake. A petition filed under 37 CFR 1.59 requires a fee set forth in 37 CFR 1.17(g) which is currently $200. This fee was not included with petitioner's letter.

The petition in the above-identified application was not accompanied by payment of the required fee as set forth in 37 CFR 1.59. No consideration on the merits can be given that petition until the required fee is received.

Petitioner should note that under 37 CFR 1.59(a)(2) papers forming part of the original disclosure will **not** be expunged from the file.

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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Clise, Billion & Cyr, P.A.
605 U.S. Highway 169
Suite 300
Plymouth MN 55441

MAILED
MAR 21 2012
OFFICE OF PETITIONS

In re Application of :
Riebel et al. :
Application No. 61/582,136 : ON PETITION
Deposited: December 30, 2011 :
Attorney Docket No. 4007-003-PRV :

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION" filed February 29, 2012. This response is being treated as a petition pursuant to 37 C.F.R. 1.53(e)(2).

Application papers in the above-identified application were deposited on December 30, 2011. However, on February 6, 2012, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Provisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this response. Applicants argue drawings are not necessary for a filing date.

Petitioner's arguments and evidence have been considered. A review of the application confirms that, as filed, the application contained at least one method claim and process claim. 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. The instant application is entitled to a filing date without drawings present in the application.

To the extent the instant petition requests a filing date of December 30, 2011 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, a petition fee is not required.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to December 30, 2011**;

- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

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

Charlema Grant
Petitions Attorney
Office of Petitions

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WILMINGTON DE 19805

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of :
Opper, et al. :
Application No. 61/582,189 : ON PETITION
Received: December 30, 2011 :
Dkt. No.: CL5635USPRV :

This decision is in response to the petition under 37 CFR 1.53(e), filed January 19, 2012 to accord the above-identified application a filing date of December 30, 2011.

The application was received December 30, 2011. The Notice of Incomplete Provisional Application (Notice) mailed January 13, 2012 by the Office of Patent Application Processing (OPAP) indicated that the application had not been accorded a filing date because the application was deposited without drawings. 35 USC 113.

The Notice indicated, *inter alia*, that the filing date of the application would be the date that drawings were submitted and that any assertion that the omitted items were not necessary must be by way of petition.

Petitioners' state:

> "Applicant believes that the application is entitled to the filing date of December 30, 2011 for the following reasons:
>
> 1. The drawing is not required for the understanding of the subject matter sought to be patented. The drawing is of a machine (a spinneret) used in the claimed fiber spinning operation. The spinneret is conventional in all respects and is not an inventive aspect of the claimed process. The spinneret is used in a conventional manner to form a fiber of the present invention, and a drawing of the spinneret is not necessary to understand the invention.
>
> 2. Even if it were to be determined that the drawing depicts a fundamental aspect of the claimed invention, the Applicant believes that the drawing is still not necessary to the understanding of the invention. The functional aspects of the machine depicted in the drawing are described in the specification (page 16, line 22 continuing to page 17, line 13) with sufficient detail so as to provide someone of ordinary skill in the art with information sufficient to ascertain the claimed subject matter - even without the drawing. Even though the detailed description of the operation of the spinneret refers to the drawing, one of ordinary skill should not have to look at the drawing in order to have a clear understanding of the operation, since the spinneret is conventional. The drawing provides a level of redundancy but is not absolutely required for the understanding of the invention.

> The drawing, while not required for understanding the inventive aspects of this application, does facilitate understanding the examples provided in the specification wherein the spinneret was used to form a fiber, and the therefore the Applicant prefers to include the drawing."

The arguments submitted by petitioners have been considered, but are not persuasive. While petitioners argue that the drawings are not necessarily for an understanding of the subject matter sought to be patented, the application as deposited failed to meet the requirements for accordance of a filing date because the specification as filed did not include drawings.

35 USC 113 states:

> The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented. When the nature of such subject matter admits of illustration by a drawing and the applicant has not furnished such a drawing, the Director may require its submission within a time period of not less than two months from the sending of a notice thereof. Drawings submitted after the filing date of the application may not be used (i) to overcome any insufficiency of the specification due to lack of an enabling disclosure or otherwise inadequate disclosure therein, or (ii) to supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim.

Thus, the law is clear that the complete application must include a drawing when the nature of the case admits of it. See, In re Application Papers, 152 USPQ 27 (1965).

Accordingly, the application as submitted was not entitled to a filing date as it failed to comply with 35 USC 113.

The Office is not persuaded by applicant's argument that the drawings are not necessary. The specification as filed specifically refers to drawings. Thus, in accordance with MPEP 601.01(f), drawings are deemed necessary.

As the application was admittedly deposited without the drawings required per 35 USC 113, petitioners have failed to establish that the application is entitled to a filing date.

In view thereof, the petition is hereby DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date set forth above. This period of time is not subject to extension under 37 CFR 1.136. Any request for reconsideration should be titled "Request for Reconsideration under 37 CFR 1.53(e)(2)." Failure to timely reply will result in termination of proceedings.

Petitioner is reminded that 35 USC 111(a)(4) provides, in part:

> The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

Accordingly, any request for reconsideration must indicate whether applicants desire the later filing date of January 19, 2012, the date that the drawings were filed. Failure to request reconsideration within the TWO MONTH time period set for reply herein will result in termination of proceedings.

Receipt of the required petition fee is hereby acknowledged. The petition fee will not be refunded as the petition was not necessitated due to USPTO error.

Telephone inquiries regarding this decision should be directed to Attorney Advisor Alesia M. Brown at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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CHICAGO IL 60602-4224

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APR 09 2012

OFFICE OF PETITIONS

In re application of :
Yu Li :
Application No. 61/583,426 :
Filed: January 5, 2012 :
Attorney Docket No. 53057-7028 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on January 24, 2012.

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

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

This 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

APR 03 2012

OFFICE OF PETITIONS

In re Application of
Rafi Bamdad
Application No. 61/583,875
Filed: January 6, 2012
Attorney Docket No.
93821-000200US-828617

: DECISION GRANTING PETITION

This is a decision on the petition filed March 23, 2012, under 37 CFR 1.53, requesting that the above-identified provisional application be accorded a filing date of January 6, 2012.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on January 6, 2012, without drawings. Accordingly, on January 23, 2012, the Office of Data Management mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition argues that drawings are not necessary for an understanding of the subject matter sought to be patented, and requests that the application be accorded a filing date of January 6, 2012.

Based on petitioners argument, this application will be accorded a filing date of January 6, 2012. Petitioner is advised, however, that this decision does not constitute a determination in accordance with 35 U.S.C. § 113 (first sentence). However, the "Notice" was correct in stating that the application appeared to have been incomplete. Thus, the petition fee in the amount of $400.00 has been charged to the credit card provided.

The application will be processed for filing date purposes using the application papers present on January 6, 2012.

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 drawings included, petitioners should file a new completed provisional application.

This matter is being referred to the Office of Patent Application Processing for processing with a filing date of January 6, 2012, 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.

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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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

MAILED
FEB 17 2012
OFFICE OF PETITIONS

In re Application of :
Mitts et al. :
Application No. 61/584,105 : DECISION ON PETITION
Filed: January 6, 2012 :
Attorney Docket No. :
126595.01800 :
Title: INSULIN PROMOTES ELASTIN :
PRODUCTION BY HUMAN AORTIC :
SMOOTH MUSCLE CELLS AND :
FIBROBLASTS FROM SKIN AND HEART :

This is a decision on the "RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL APPLICATION and PROVISIONAL PETITION UNDER 37 C.F.R. §1.181" submitted on January 31, 2012, which is being treated as a petition pursuant to 37 C.F.R. § 1.182. Petitioner requests that Figure 4F be accorded a filing date of January 6, 2012, as part of the original disclosure.

On January 6, 2012, the above-identified application was filed. On January 20, 2012, the Office of Data Management mailed a "Notice of Omitted Item(s) in a Provisional Application," stating that the application had been accorded a filing date of January 6, 2012, and advising Applicant that Figure 4F appeared to have been omitted.

The $400 petition fee will be charged to Deposit Account No. 50-0436 in due course, as authorized on the second page of this petition.

With this petition, Petitioner has explained that Figure 4F was not missing on January 6, 2012. Instead, Petitioner states that Figure 4F was present, but not labeled on one of the drawing sheets which the Office received on filing.

The electronic file has been reviewed, and it is obvious from the file that Figure 4F was not actually missing on January 6, 2012, and that Figure 4F was simply not labeled. Therefore, the drawing was not missing; rather, the drawing was simply not labeled as a result of the applicant's filing error. However, the notice mailed January 20, 2012 was correct in stating that Figure 4F appeared to have been omitted. Therefore, the notice was properly mailed and will not be withdrawn.

The petition under 37 C.F.R. § 1.182 is **GRANTED to the extent that** the application is being accepted as filed, with the unlabeled figure which appears in the bottom right corner of the fourth page of drawings being recognized as Figure 4F.

The petition fee of $400 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[1]

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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Alexandria, VA 22313-1450
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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
379 LYTTON AVENUE
PALO ALTO CA 94301

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of
Sandra Berndt et al
Application No. 61/584,248
Filed: January 7, 2012
Attorney Docket No. 25NP-167075

DECISION ON PETITION

This is a decision on the request for refund filed January 26, 2012, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

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

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks items (1) and (6) above.

Further, applicant states that **Application No. 61/584,248** is the second application and that applicant did not file a second application. However, the Electronic Acknowledgement Receipt show that Application No. **61/584,248** was submitted by William Frederick Ahmann at (**Time Stamp: 22:10:45**) and Application No. **61/584,249** was also submitted by William Frederick Ahmann at (**Time Stamp: 22:21:40**), both on January 7, 2012.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 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 facsimile: **(571) 273-8300**
Attn: Office of Petitions

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA GA 30339

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application of :
Huaiyuan Wang : DECISION ON PETITION
Application No. 61/584,926 :
Filed: January 10, 2012 :
Attorney Docket No. 250835-8080:
Title: BLUETOOTH LOW ENERGY :
ASSISTED LOW POWER WI-FI :
DETECTION: :

This is in response to the petition filed on January 31, 2012, pursuant to 37 C.F.R. § 1.182, requesting the change of the sole inventor. Specifically, Petitioner has requested that the sole inventor be changed from "Stephen Wang" to "Huaiyuan Wang."

This petition is **GRANTED.**

With this petition, Petitioner has included the petition fee and a statement from the inventor.

The inventor's name has been changed in the records of the Office to Huaiyuan Wang.

A corrected filing receipt has been included with this decision.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/584,926	01/10/2012		250	250835-8080		

CONFIRMATION NO. 3637

CORRECTED FILING RECEIPT

24504
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA, GA 30339

OC000000053072061

Date Mailed: 03/12/2012

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)

Huaiyuan Wang, Cary, NC;

Power of Attorney:
Daniel McClure--38962

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 01/18/2012
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/584,926**
Projected Publication Date: None, application is not eligible for pre-grant publication
Non-Publication Request: No
Early Publication Request: No
Title

Bluetooth Low Energy Assisted Low Power Wi-Fi Detection

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing

of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of

State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

MAILED

MAR 13 2012

OFFICE OF PETITIONS

In re Application of :
Laurie Braden : DECISION ON PETITION
Application No. 61/585,410 :
Filed: January 11, 2012 :
Atty Docket No. GTC-12-1003P :

This is a decision on the petition filed January 25, 2012, requesting that the above-identified application be accorded a filing date of January 11, 2012.

On January 11, 2012, application papers were deposited with the USPTO in the above-identified provisional application. However, on January 25, 2012, the Office mailed a Notice of Incomplete Provisional Application, stating that the application had not been accorded a filing date because the application was deposited without a complete specification as prescribed by 35 U.S.C. 112.

On the same day, on January 25, 2012, the present petition was filed, asserting that a complete Specification in the form of 13 sheets of drawings was filed on January 11, 2012. On such basis, applicant maintains entitlement to a filing date of January 11, 2012.

RELEVANT STATUTES, REGULATIONS AND PROCEDURE

35 U.S.C. 111(b) provides, in pertinent part, that:

(1) AUTHORIZATION. –A provisional application for patent shall be made or authorized to be made by the inventor, except as otherwise provided in this title, in writing to the Director. Such application shall include –

(A) a specification as prescribed by the first paragraph of section 112 of this title; and
(B) a drawing as prescribed by section 113 of this title.

(2) CLAIM. –A claim, as required by the second through fifth paragraphs of section 112, shall not be required in a provisional application.

...

(4) FILING DATE. –The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

35 U.S.C. 112, first paragraph, provides that:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

37 C.F.R. § 1.53(c) further provides that:

> The filing date of a provisional application is the date on which a specification as prescribed by the first paragraph of 35 U.S.C. 112, and any drawing required by § 1.81(a) are filed in the Patent and Trademark Office. No amendment, other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application.
>
> > (1) A provisional application must also include the cover sheet required by § 1.51(c)(1), which may be an application data sheet (§1.76), or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under paragraph (b) of this section.

MPEP 601.01(b) provides that:

> A provisional application will be given a filing date in accordance with 37 CFR 1.53(c) as of the date the written description and any necessary drawings are filed in the Office. The filing date requirements for a provisional application set forth in 37 CFR 1.53(c) parallel the requirements for a nonprovisional application set forth in 37 CFR 1.53(b), except that no claim is required. Amendments, other than those required to make the provisional application comply with applicable regulations, are not permitted after the filing date of the provisional application.

OPINION

Petitioner maintains that the Specification was submitted on January 11, 2012 in the form of 13 sheets of drawings. To be entitled to a filing date, a provisional application need only have a written description in compliance with 35 U.S.C. § 112, first paragraph; and any required drawing(s). No claims are required. The issue then is whether the thirteen sheets of drawings deposited on January 11, 2012, in the instant provisional application, provide an adequate written description to meet the requirements of § 112,

first paragraph, and entitle the application to a filing date. The Vas-cath decision did not address the issue of compliance with § 112 for purposes of entitlement to a filing date under § 111(b)(4). The issue in Vas-cath was whether the disclosure of a design application, namely, the drawings without more, adequately meets the "written description" requirement **also** contained in § 112, first paragraph, so as to entitle Mahurkar to the benefit of the filing date of the earlier filed design application for his two later filed utility patents. The Court did, however, state that drawings alone may be sufficient to provide the "written description of the invention" required by § 112, first paragraph. Neither Congress nor the Commissioner have determined that drawings alone are not sufficient to meet the requirements of § 112, first paragraph for purposes of according a filing date under 35 U.S.C. 111(b)(4).

It is the practice of the Office to accord a filing date to an application that appears to comply with the requirements for according a filing date. Inasmuch as drawings alone may be sufficient to provide the written description requirement of § 112, first paragraph, and the instant application contains drawings and claims are not required, the instant provisional application appears to comply with the requirements for according a filing date. It is not necessary to now determine whether this provisional application will adequately support any non-provisional application claiming the benefit of its filing date.

In this instance, the drawings will be construed as the written description required by 35 U.S.C. § 112, first paragraph.

CONCLUSION

In view thereof, the petition is **GRANTED**.

The provisional application is being returned to the Office of Patent Application Processing for **correction of the filing date to January 11, 2012**.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BIOTRONIK SE & CO. KG
CORPORATE INTELLECTUAL PROPERTIES
WOERMANNKEHRE 1
BERLIN 12359 DE GERMANY

MAILED
MAR 02 2012
OFFICE OF PETITIONS

In re Application of :
Wolfgang Geistert :
Application No. 61/588,183 : DECISION GRANTING PETITION
Filed: January 19, 2012 :
Attorney Docket No: 11.106P-US :

This is a decision on the response to the Notice of Incomplete Provisional Application filed February 13, 2012, requesting that the above-identified provisional application be accorded a filing date of January 19, 2012, which is treated as a petition under 37 CFR 1.53.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on January 19, 2012. However, on February 8, 2012, the Office of Data Management mailed a "Notice of Incomplete Provisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.

In reply, applicants filed the instant petition and six sheets of drawings, however without argument that the drawings had or had not been filed with the application papers deposited on January 19, 2012, or with an argument that the drawings are or aren't necessary for an understanding of the patent.

Nonetheless, the application as filed is entitled to a filing date. Petitioner's attention is directed to MPEP 601.01(f), which 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.

A review of the application as filed reveals that it contains at least one method claim. In view of the presence of the method claim, it is concluded that this provisional application is entitled to a filing date. The "Notice of Incomplete Provisional Application" mailed February 8, 2012, was mailed in error and is hereby **withdrawn**.

Given the basis for granting this petition, the fee charged for the petition in the amount of $400 is being refunded to the credit card provided.

The Office of Patent Application Processing has been advised of this decision. OPAP will **correct the filing date to January 19, 2012**, with "0" drawings present in the 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

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JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

MAILED
APR 10 2012
OFFICE OF PETITIONS

In re Application of :
NONE :
Application No.: 61/590,884 : ON PETITION
Filed: NO FILING DATE :
Attorney Docket No.: 38398/830607 :

This is a decision on the petition filed March 14, 2012, which will be treated as a petition under 37 CFR 1.53 to accord the application a filing date of January 26, 2012, pursuant to 37 CFR 1.53.

The petition is **dismissed.**

The application was deposited on January 26, 2012. On, February 17, 2012, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner therein argues that the specification was present on January 26, 2012, in that the eleven pages of figures filed on that date contained written descriptions thereon that described the invention claimed.

The argument has been considered, but is not persuasive. It is noted that 37 CFR 1.71 states, in pertinent part:

> (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery pertains, or with which it is most nearly connected, to make and use the same.
>
> (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

Further, 37 CFR 1.71(f) provides that, "[t]he specification must commence on a separate sheet. Each sheet including part of the specification may not include other parts of the application or other information. The claim(s), abstract and sequence listing (if any) should not be included on a sheet including any other part of the application."

The Patent and Trademark Office (the "Office") file is the official record of the papers originally filed in this application. A review of the application file did not reveal a specification pursuant to 37 CFR 1.71 of any kind as having been filed on January 26, 2012. The descriptions as found on the figures filed January 26, 2012, are not of the manner and process of making and using the invention and could not enable a person skilled in the art or science to which the invention pertains to make and use the invention. Further, the alleged written descriptions do not commence on a separate sheet and are, in fact, encompassed on another part of application. Petitioner has not established that a specification pursuant to 37 CFR 1.71 was deposited on January 26, 2012. The petition is dismissed, accordingly.

Applicant is reminded that the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) and accord an application filing date as of the date of such submission in provisional applications. Applicant should simply file a new completed provisional application.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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NORTON ROSE CANADA LLP
1, PLACE VILLE MARIE
SUITE 2500
MONTREAL QC H3B 1R1 CA CANADA

MAILED

MAR 12 2012

OFFICE OF PETITIONS

In re Application of
Luc McGuire
Application No. 61/590,902 : ON PETITION
Filed: January 26, 2012
Attorney Docket No. **55500192-2USPR**
PTN/njp

This is a decision on the petition filed March 5, 2012, requesting that the above-identified application be accorded a filing date of January 26, 2012, in response to the Notice of Omitted Items mailed February 6, 2012. The petition is being treated under 37 CFR 1.182.

The petition is **DISMISSED**.

On January 26, 2012, the application was filed. On February 6, 2012, the Office of Data Management mailed a Notice of Omitted Items in a Provisional Application stating that the application had been accorded a filing date of January 26, 2012, but that Figure 5 described in the specification appeared to have been omitted.

In response, petitioner concedes that Figure 5 was inadvertently omitted and argues that "when the papers were assembled for the filing of the application pursuant to 37 CFR 1.53, the sheet containing Figure 5 was inadvertently omitted." Petitioners request that the application, including Figure 5,be accorded a filing date of January 26, 2012.

As Figure 5 was not filed with the application, and since this was all due to applicant's filing error, the Notice of Omitted Items correctly stated that Figure 5 appeared to have been omitted.

Petitioners are advised that for provisional applications, the option to take the later filing date, *i.e.*, the date of submission of the omitted page(s) or drawing(s), is not

available.[1] As such, if petitioners desire to have Figure 5 considered as part of the application, petitioners should simply file a new completed provisional application, including Figure 5.

In view of the above, the petition fee is non-refundable.

The application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of January 26, 2012, using the application papers filed on that date. The drawings filed with the petition will not be used and will not be added to the drawings filed with the application on January 26, 2012.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 601.01(d). In view of the relatively low filing fee for provisional applications, and the USPTO's desire to minimize the processing of provisional applications, the USPTO will not grant petitions under 37 CFR 1.182 to accept omitted page(s) or drawing(s) and accord an application filing date as of the date of submission in provisional applications. The applicant should simply file a new completed provisional application. Id.

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5507 COLLEGE AVE
SUITE 2
OAKLAND CA 94618

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MAR 08 2012

OFFICE OF PETITIONS

In re Application of
Richard P. Chi
Application No. 61/593,189
Filed: January 31, 2012
Attorney Docket No. NHEW106P

: DECISION GRANTING PETITION

This is a decision on the response filed February 23, 2012, requesting that the above-identified provisional application be accorded a filing date of January 31, 2012. The response is being treated as a petition under 37 CFR 1.53.

The petition is **GRANTED**.

The application was filed on January 31, 2012, without drawings. Accordingly, on February 17, 2012, the Office of Data Management mailed a "Notice of Incomplete Provisional Application" stating that the application had been deposited without drawings.

The present petition argues that drawings are not necessary for an understanding of the subject matter sought to be patented.

As stated in MPEP § 601.01(f), it is the practice of the PTO to treat a provisional application that contains at least some disclosure of a process or method 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.

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures

referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

A review of the official file reveals that the application includes at least one method claim. Therefore, this application contains disclosure relating to a method.

In view of the above, the "Notice" mailed February 17, 2012, was mailed in error and is hereby withdrawn. No petition fee has been paid and none is due.

The application is accorded a filing date of January 31, 2012, without drawings as a part of the original disclosure.

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 drawings included, petitioners should file a new completed provisional application.

This matter is being referred back to the Office of Patent Application Processing for correction of the filing date to January 31, 2012, and correction of PTO records to show that zero (0) sheets of drawings were present on filing.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

MAILED

APR 09 2012

OFFICE OF PETITIONS

In re Application of :
Terehov :
Application No. 61/593,204 : ON PETITION
Filed: January 31, 2012 :
Attorney Docket No. **48569.2** :

This is a decision on the petition under 37 CFR 1.182, filed March 14, 2012, to correct the name of the first named inventor cited on this application in USPTO records.

The petition is **granted.**

The name of the first named inventor for the above-cited application is corrected to "Mihhail Terehhov."

A corrected filing receipt is enclosed.

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: Corrected Filing Receipt

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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
61/593,204	01/31/2012		125	48569.2		

CONFIRMATION NO. 2966

CORRECTED FILING RECEIPT

27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

OC00000005351907 1

Date Mailed: 04/03/2012

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)

Mihhail Terehov, Tallinn, ESTONIA;

Power of Attorney:
Pavel Pogodin--48205

If Required, Foreign Filing License Granted: 02/08/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 61/593,204**

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

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

METHOD AND SYSTEM FOR ALUMINA NANOFIBERS SYNTHESIS FROM MOLTEN ALUMINUM

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

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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.

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Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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