

Practical Patent Practice Webinar Series Episode 03

# Docketing Final Office Actions, Appeals, Allowances and Issuance



# 4-Episode Webinar Series

**Episode 01** – Docketing and Docketing Management for US Initial Filing (Provisionals & Regular /Apps) Due/Bar Dates, Paris Convention & PCT Deadlines  
**Available on demand at [slwip.com](https://slwip.com)**

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**Episode 02** – Docketing Formalities, Restrictions, Non-Final Office Actions, PCT Actions  
**Available on demand at [slwip.com](https://slwip.com)**

**Episode 03** – Docketing Final Office Actions, Appeals, Allowances and Issuance

**Thursday, August 5th, 2021 at 12:00 PM CT**

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**Episode 04** – Docketing Post Issuance Deadlines: Certificates of Correction, Reissues, Patent Term Adjustment Verification, Maintenance Fees  
**Thursday, October 7<sup>th</sup>, 2021 at 12:00 PM CT**

# Before We Get Started...



## Recording

A link to the recording and slides will be emailed to all registrants.



## Questions

Type questions in the Q&A feature at any time, and we will address them during a Q&A session at the end of the webinar.



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# Today's Presenters...



**Ann McCrackin**

President, Black Hills IP  
Patent Attorney  
Professor of Law



**Zhakalazky Carrion**

Docketing Manager  
Schwegman, Lundberg &  
Woessner



**Adam Reece**

IP Automation Specialist  
Lead  
Black Hills IP

# Polling Question

What is your primary role in your organization?

- Docketer
- Paralegal
- Attorney
- Manager/Administrator
- IT
- Other

# Polling Question

Who does your US patent docketing?

- Internal Docketing Team
- Internal Paralegals
- Outside Vendor
- Outside Counsel updates my docketing system
- No internal docket
- Other

# Polling Question

What is the primary docketing system that you use?

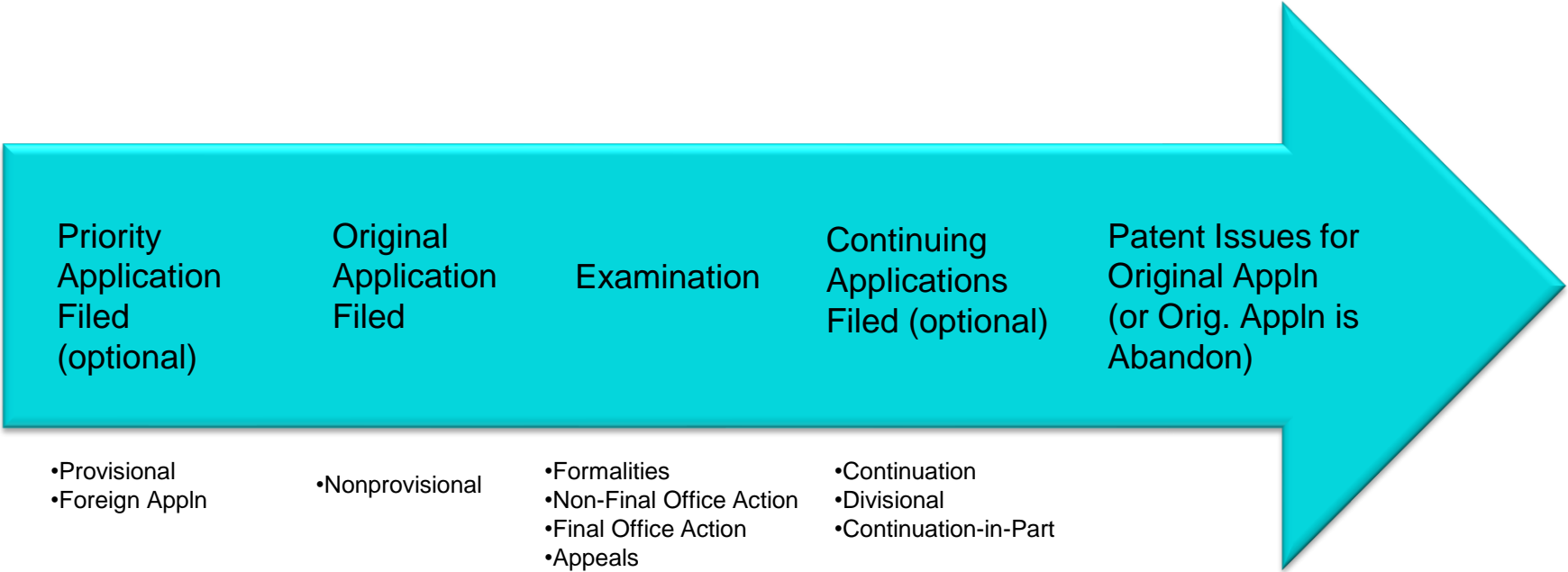
- Anaqua
- AppColl
- CPI
- FoundationIP
- Inprotech
- IPFolio
- IP Manager
- Memotech
- Patricia
- Other

# Program Objectives

1. Identify common PTO documents including final office actions, pre-appeal and appeal documents and allowance/allowability documents
2. Understand what deadlines need to be docketed
3. Discuss how automated docketing software can reduce manual docketing errors associated with these documents



# Overview of a Patent Prosecution Process for a US Patent Application



# Episode Overview

1. Final Rejections & Advisory Actions
2. Appeals
3. Allowance & Issuance

# Final Rejections & Advisory Actions

The background features a repeating pattern of light blue icons on a darker blue gradient. The icons include various types of clocks (analog, digital, alarm, stopwatch), calendars, and time-related symbols like an hourglass and a clock face with a checkmark.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	01/31/2019			6275
21186	7590	07/15/2021		

EXAMINER	
NGUYEN, CAM LINH T	

ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
07/15/2021	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):

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	<b>Examiner</b> CAM LINH T NGUYEN	<b>Art Unit</b> 2161	<b>AIA (FITF) Status</b> Yes

*– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on 05/10/2021.  
 A declaration(s)/affidavit(s) under 37 CFR 1.130(b) was/were filed on \_\_\_\_.

2a)  This action is FINAL. 2b)  This action is non-final.

3)  An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.

4)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims\***

5)  Claim(s) 1-20 is/are pending in the application.  
5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

6)  Claim(s) \_\_\_\_ is/are allowed.

7)  Claim(s) 1-20 is/are rejected.

8)  Claim(s) \_\_\_\_ is/are objected to.

9)  Claim(s) \_\_\_\_ are subject to restriction and/or election requirement

\* If any claims have been determined allowable, you may be eligible to benefit from the Patent Prosecution Highway program at participating intellectual property offices for the corresponding application. For more information, please see [http://www.uspto.gov/patents/init\\_events/pph/index.jsp](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to PPHfeedback@uspto.gov.

**Application Papers**

10)  The specification is objected to by the Examiner.

11)  The drawing(s) filed on \_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

**Certified copies:**

a)  All b)  Some\*\* c)  None of the:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 3)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

2)  Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) 4)  Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

## Is there a deadline to docket?

Answer: Yes; 3 months from the Notification Date (i.e., mailing date) of the Final Office Action; extendable an additional 3 months

Language from the document:

"A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

-- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

-- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

-- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133)."

# Polling Question

Does your organization docket a 2-month deadline for responding to a final rejection?

- Yes
- No

# Final Rejections

- The conclusion of the Final Office Action typically states:  
. . .In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the *advisory action* is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expired on the date the *advisory action* is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the *advisory action*. . .

# Final Rejections--WARNING

**To avoid abandonment of the application, you MUST file one of the following before the expiration of the 6-month period for responding to a Final Rejection:**

- An amendment or affidavit that places the application in condition for allowance;
- A Notice of Appeal; or
- A Request for Continued Examination (RCE)





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
45457	7590	07/15/2021		5657

EXAMINER  
LIU, BENJAMIN T

ART UNIT  
2893

NOTIFICATION DATE  
07/15/2021

DELIVERY MODE  
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):

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)
Examiner BENJAMIN T LIU	Art Unit 2893	AIA (FITF) Status Yes

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 06 July 2021 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  
**NO NOTICE OF APPEAL FILED**

1.  The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

a)  The period for reply expires \_\_\_ months from the mailing date of the final rejection.

b)  The period for reply expires only (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

c)  A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires \_\_\_ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

*Examiner Note:* If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANTS FIRST AFTER FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because:

a)  They raise new issues that would require further consideration and/or search (see NOTE below);

b)  They raise the issue of new matter (see NOTE below);

c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicants reply has overcome the following rejection(s): \_\_\_\_\_

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s) (a)  will not be entered, or (b)  will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  A declaration(s)/affidavit(s) under 37 CFR 1.130(b) was/were filed on \_\_\_\_\_

9.  The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

10.  The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

11.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

12.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

13.  Note the attached Information Disclosure Statement(s), (PTO/SB/08) Paper No(s) \_\_\_\_\_

14.  Other: PTO2323.

**STATUS OF CLAIMS**

15. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-4, 6, 8-10 and 20-22

Claim(s) withdrawn from consideration: \_\_\_\_\_

/BENJAMIN TZU-HUNG LIU/  
Examiner, Art Unit 2893

## Is there a deadline to docket?

Answer: Yes; Maximum period for responding is 6 months from the Final Rejection.

Language from the document:

"The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection."

# Advisory Action (After Appeal Brief)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
141572	7990	06/14/2021		5908
EXAMINER				
AGAH, PUYA				
		ART UNIT		
		PAPER NUMBER		
		3791		
		NOTIFICATION DATE		DELIVERY MODE
		06/14/2021		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):

Application No.	Applicant(s)	
<b>Advisory Action</b> <b>After the Filing of an Appeal Brief</b>	Examiner PUYA AGAH	Art Unit 3791
	AIA (FITF) Status Yes	
--THE MAILING DATE of this communication appears on the cover sheet with the correspondence address--		
<p>The reply filed <u>03 June 2021</u> is acknowledged.</p> <p><input type="checkbox"/> A declaration(s)/affidavit(s) under <b>37 CFR 1.130(b)</b> was/were filed on _____.</p> <p>1. <input type="checkbox"/> The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:</p> <p style="margin-left: 40px;">a. <input type="checkbox"/> The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> The affidavit or other evidence is not timely filed before the filing of an appeal brief. See 37 CFR 41.33(d)(2).</p> <p>2. <input type="checkbox"/> The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.</p> <p style="margin-left: 40px;">Note: This paragraph is for a reply filed in response to one of the following: (a) an examiners answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiners answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).</p> <p>3. <input checked="" type="checkbox"/> The reply is entered. An explanation of the status of the claims after entry is below or attached.</p> <p>4. <input checked="" type="checkbox"/> Other; The after final amendment is entered as they were made to address minor claim objections. However, claims 1-38 are still rejected pursuant to 35 USC 101 and 35 USC 112B, as set forth in the office action with mailing date 10/5/2020.</p>		
/PUYA AGAH/ Primary Examiner, Art Unit 3791		

# Advisory Action

## (After Appeal Brief)

### **Is there a deadline to docket?**

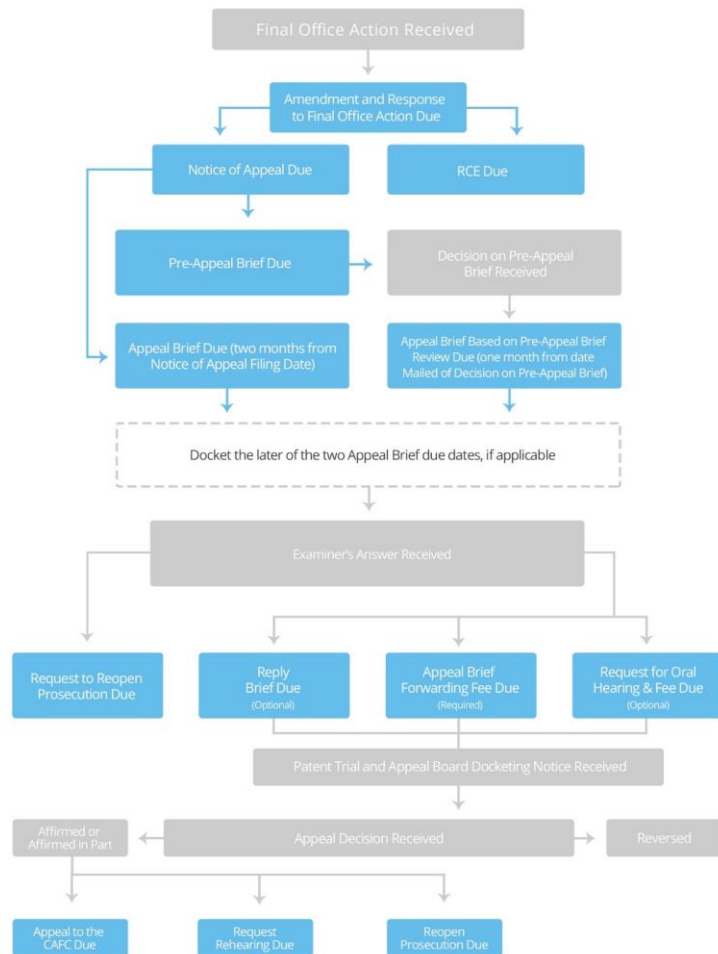
Answer: No, the period for responding to the Final Office action was satisfied with the filing of a Notice of Appeal. No additional deadline needs to be docketed for responding to the Advisory Action.

Language from the document: Varies depending on what was filed (see boxes 1 – 4 on document).

# Appeals

The background features a repeating pattern of light blue icons on a darker blue gradient. The icons include various time-related symbols such as analog and digital clocks, alarm clocks, stopwatches, and hourglasses. There are also productivity icons like a calendar, a keyboard, a computer monitor, a magnifying glass, and a document with a checkmark. Some icons are enclosed in circles or squares, and there are small decorative symbols like plus signs and dots scattered throughout.

# U.S. Patent Appeal Workflow



# Docketing Tips for US Patent Appeals

- Suggested Practice to Docket the following:
  - (1) Notice of Appeal Due (6 months from Final Rejection)
  - (2) Appeal Brief Due (2 months from Notice of Appeal)
  - (3) Examiner's Answer Expected? (2 months from Appeal Brief)
  - (4) Appeal Forwarding Fee / Reply Brief (2 months from mailing date of Examiner's Answer)
  - (5) Appeal Decision Received?
  - (6) Appeal to CAFC / Request Rehearing / Reopen Prosecution (2 months from Appeal decision affirming or affirming-in-part the Examiner's Rejection)

# Pre-Appeal Brief

## Decision on Pre-Appeal Brief Received



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
21186	08/06/2019			3840
	7590	07/12/2021		

EXAMINER  
KESSIE, DANIEL

ART UNIT  
2836

NOTIFICATION DATE  
07/12/2021

DELIVERY MODE  
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):

**Notice of Panel Decision  
from Pre-Appeal Brief  
Review**

Application No.	Applicant(s)	
Examiner DANIEL KESSIE	Art Unit 2836	AIA (FITF) Status No

This is in response to the Pre-Appeal Brief Request for Review filed 25 May 2021.

1.  **Improper Request** - The Request is improper and a conference will not be held for the following reason(s):

- The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- The request does not include reasons why a review is appropriate.
- A proposed amendment is included with the Pre-Appeal Brief request.
- Other: \_\_\_\_\_.

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2.  **Proceed to Board of Patent Appeals and Interferences** - A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

The panel has determined the status of the claim(s) is as follows:

- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 2-22.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

3.  **Allowable application** - A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4.  **Reopen Prosecution** - A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) DANIEL KESSIE .	(3) Rexford Barnie .	
(2) Michael Sherry .	(4) _____ .	
/DANIEL KESSIE/ Primary Examiner, Art Unit 2836	/REXFORD N BARNIE/ Supervisory Patent Examiner, Art Unit 2836	/MICHAEL J SHERRY/ Quality Assurance Specialist, OPOA



## Is there a deadline to docket?

Answer: Yes; 1 month from the decision or 2 months from the Notice of Appeal, extendable by 5 months.

Language from the document:

"Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable."



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
144365	05/12/2017			2598
	7590	07/09/2021	EXAMINER STORK, KYLE R	
			ART UNIT 2144	PAPER NUMBER
			NOTIFICATION DATE 07/09/2021	DELIVERY MODE ELECTRONIC

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

Application Number:  
Filing Date: 12 May 2017  
Appellant(s): Truelove et al.

Joseph R. Williams  
Reg. No. 69,054  
For Appellant

**EXAMINER'S ANSWER**

**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):

Application/Control Number:  
Art Unit: 2144

Page 14

Finally, the appellant argues that even if combined Sarukkai does not teach or suggest the claimed invention (page 14). First, it is noted that the examiner has addressed each of the appellant's arguments relating to the "historical frequency of use of metadata values of the common metadata values by the user in the electronic documents, wherein a first value of the order is a most frequently used metadata value by the user (page 14)." Additionally, the appellant has not presented any arguments addressing the combination of Krinker, Cho, and Sarukkai. As the examiner has previously addressed these arguments above, these arguments are similarly not persuasive.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/KYLE R STORK/  
Primary Examiner, Art Unit 2144

Conferees:

/SCOTT T BADERMAN/  
Supervisory Patent Examiner, Art Unit 2144

/HOWARD CORTES/  
Primary Examiner, Art Unit 2144

**Requirement to pay appeal forwarding fee.** In order to avoid dismissal of the instant appeal in any application or ex parte reexamination proceeding, 37 CFR 41.45 requires payment of an appeal forwarding fee within the time permitted by 37 CFR 41.45(a), unless appellant had timely paid the fee for filing a brief required by 37 CFR 41.20(b) in effect on March 18, 2013.

## Is there a deadline to docket?

Answer: Yes, a required Appeal Forwarding Fee is due 2 month from the Examiner's Answer. **THIS IS NOT EXTENDABLE.** An optional Reply Brief and/or a Request for Oral Hearing (and fee) is also due in 2 months.

Language from the document:

"In order to avoid dismissal of the instant appeal in any application or ex parte reexamination proceeding, 37 CFR 41.45 requires payment of an appeal forwarding fee within the time permitted by 37 CFR 41.45(a), unless appellant had timely paid the fee for filing a brief required by 37 CFR 41.20(b) in effect on March 18, 2013."



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
21186	08/02/2017			9049
7590	07/09/2021			
EXAMINER				
MOHAMMADI, FAHIMEH M				
ART UNIT		PAPER NUMBER		
2439				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2021		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):

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

*Ex parte* AJAYKUMAR RAJASEKHARAN et al.

Appeal 2021-987543  
Application 12/345.678  
Technology Center 2400

APPEAL DOCKETING NOTICE

The Patent Trial and Appeal Board received the appeal in the above-identified application from the Technology Center on July 07, 2021, and has assigned it the appeal number indicated above.

The recipient of this notice is reminded of its ongoing duty, within 20 days of any change during the proceeding, to update its mandatory notices to identify the real party-in-interest and each judicial or administrative proceeding that could affect, or be affected by, the Board proceeding. 37 C.F.R. § 41.8. For example, another docketed appeal in a related application may have the potential to affect, or be affected by, the Board proceeding.

In all future communications regarding this appeal, please include both the application number and the appeal number. Telephone inquiries can be made by calling 571-272-9797 and referencing the appeal number listed above. The mailing address for the Board is:

PATENT TRIAL and APPEAL BOARD  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

If you are interested in seeking expedited treatment for this appeal via the Board's Fast-Track Appeals Pilot Program, please consult our website at <https://www.uspto.gov/patents/ptab/fast-track-appeals-pilot-program> or the Federal Register Notice at <https://www.federalregister.gov/documents/2020/07/02/2020-14244/fast-track-appeals-pilot-program> for more information on how to participate and which appeals qualify.

**Is there a deadline to docket?**

Answer: No PTO deadlines based on this document.

# Decision on Appeal Reversed



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.
144365	01/04/2016 7590	06/25/2021		2860
			EXAMINER LEE, JUSTIN S	
			ART UNIT 2177	PAPER NUMBER
			NOTIFICATION DATE 06/25/2021	DELIVERY MODE 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):

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

*Ex parte* EYAL OFEK, MICHEL PAHUD, and POURANG P. IRANI

Appeal  
Application  
Technology Center 2100

Before CAROLYN D. THOMAS, NABEEL U. KHAN, and  
AMBER L. HAGY, *Administrative Patent Judges*.

HAGY, *Administrative Patent Judge*.

**DECISION ON APPEAL**

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 1-4, 6-14, and 16-20, which are all of the pending claims. See Final Act. 1; Appeal Br. 1, 8. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

<sup>1</sup> We use the word Appellant to refer to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Microsoft Technology Licensing, LLC. Appeal Br. 2.

# Decision on Appeal Reversed

Appeal  
Application

For the foregoing reasons, we are constrained on this record to not sustain the Examiner’s rejection of independent claim 17, or of the claims dependent thereon.

**CONCLUSION**

The Examiner’s obviousness rejections of claims 1–4, 6–14, and 16–20 are not sustained.

Appeal  
Application

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 7, 10	103	Anderson, Ward		1, 7, 10
2, 3	103	Anderson, Ward, Mondragon		2, 3
4	103	Anderson, Ward, Abi-Rached		4
6	103	Anderson, Ward, Al-Sharif		6
8	103	Anderson, Ward, Dunn		8
9	103	Anderson, Ward, Suzuki		9
11	103	Anderson, Ward, Engels		11
12, 13, 16	103	Anderson, Mondragon, Ward		12, 13, 16
14	103	Anderson, Mondragon, Ward, Anderson 2		14
17, 18	103	Anderson, Al-Sharif, Choi, Ward		17, 18
19	103	Anderson, Al-Sharif, Choi, Ward, Suzuki		19
20	103	Anderson, Al-Sharif, Choi, Ward, Lansdale		20
<b>OVERALL OUTCOME</b>				1–4, 6–14, 16–20

**REVERSED**



# Decision on Appeal Reversed with New Grounds of Rejection



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	10/23/2015			8089
144365	7590	05/13/2021		

EXAMINER	
TESHOME, KEBEDE T	

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
05/13/2021	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):

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

*Ex parte* KENNETH P. HINCKLEY, HRVOJE BENKO,  
MICHEL PAHUD, and DONGWOOK YOON

Appeal  
Application  
Technology Center 2600

Before JOHNNY A. KUMAR, JASON J. CHUNG, and  
JAMES W. DEJMEK, *Administrative Patent Judges*.

KUMAR, *Administrative Patent Judge*.

**DECISION ON APPEAL**

Appellant<sup>1</sup> appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1, 4–10, 12–19, and 21.<sup>2</sup> We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We reverse and additionally exercise our discretion under 37 C.F.R. § 41.50(b), and enter a NEW GROUND OF REJECTION under 35 U.S.C.

<sup>1</sup> We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42(a) (2018). According to Appellant, the real party in interest is Microsoft Technology Licensing, LLC. *See* Appeal Br. 2.

<sup>2</sup> Our reference to page numbers is based upon the cover page of the Appeal Brief being page 1, as the Appeal Brief does not contain any page numbers.

# Decision on Appeal Reversed with New Grounds of Rejection

Appeal  
Application

(2) *Request rehearing.* **Request that the proceeding be reheard under § 41.52 by the Board upon the same Record.** The request for rehearing must address any new ground of rejection and state with particularity the points believed to have been misapprehended or overlooked in entering the new ground of rejection and also state all other grounds upon which rehearing is sought.

(Emphases added).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv). *See* 37 C.F.R. § 41.50(f).

REVERSED: 37 C.F.R. § 41.50(b)

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*and/or new evidence*, a Request for Continued Examination (RCE) that complies with 37 C.F.R. § 114 will remove the application from the jurisdiction of the Board under 37 C.F.R. § 41.35, and will reopen prosecution before the Examiner.

# Decision on Appeal

## Affirmed in Part



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	06/27/2014			7308

21186 7590 06/23/2021

EXAMINER
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DAM,DUSTIN Q

ART UNIT	PAPER NUMBER
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1721

NOTIFICATION DATE	DELIVERY MODE
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06/23/2021 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):

Appeal:  
Application

Claim(s) Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed	New Ground
Overall Outcome			1, 3–10, 15–17, 20, 21	11–14, 18, 19	6, 10

TIME PERIOD FOR RESPONSE

This decision contains new grounds of rejection pursuant to 37 C.F.R. § 41.50(b). 37 C.F.R. § 41.50(b) provides that “[a] new ground of rejection pursuant to this paragraph shall not be considered final for judicial review.”

37 C.F.R. § 41.50(b) also provides that the Appellant, WITHIN TWO MONTHS FROM THE DATE OF THE DECISION, must exercise one of the following two options with respect to the new ground of rejection to avoid termination of the appeal as to the rejected claims:

(1) *Reopen prosecution.* Submit an appropriate amendment of the claims so rejected or new Evidence relating to the claims so rejected, or both, and have the matter reconsidered by the examiner, in which event the prosecution will be remanded to the examiner. . . .

(2) *Request rehearing.* Request that the proceeding be reheard under § 41.52 by the Board upon the same Record. . . .

Further guidance on responding to a new ground of rejection can be found in the Manual of Patent Examining Procedure § 1214.01.

**AFFIRMED IN PART: 37 C.F.R. § 41.50(b)**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
104326	09/18/2008			1331

104326 7590 07/14/2021

EXAMINER

MORAN, EDWARD JOHN

ART UNIT PAPER NUMBER

3772

NOTIFICATION DATE DELIVERY MODE

07/14/2021 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):

Appeal:  
Application

steel provides an unexpected benefit over another grade or generic stainless steel, which would be applicable to the combination herein.

Final Act. 3; *see also* Ans. 3.

Thus, we are not informed of error in the Examiner's rejections.

### DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 7, 16, 17, 24, 26	103(a)	Shelemay, Lazzara, Shimura, Sato	1, 7, 16, 17, 24, 26	
8, 23	103(a)	Shelemay, Lazzara, Shimura, Sato, Fathi	8, 23	
<b>Overall Outcome</b>			1, 7, 8, 16, 17, 23, 24, 26	

### TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

**AFFIRMED**

## Is there a deadline to docket?

Answer: It depends on the decision. . .

Reversed – No deadline to docket (wait for next Office Action)

Reversed with New Grounds of Rejection – 2-month deadline; NOT EXTENDABLE

Affirmed in Part – 2-month deadline; NOT EXTENDABLE

Affirmed – 2-month deadline; NOT EXTENDABLE

# Allowance & Issuance

The background features a repeating pattern of light blue icons on a darker blue gradient. The icons include various time-related symbols such as analog and digital watches, alarm clocks, stopwatches, calendars, and clocks. Some icons also depict a person, a briefcase, and a document, suggesting a professional or business context.



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## NOTICE OF ALLOWANCE AND FEE(S) DUE

164772 7590 07/15/2021

EXAMINER	
ORKIN, ALEXANDER J	
ART UNIT	PAPER NUMBER
3771	

DATE MAILED: 07/15/2021

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	08/30/2018			2498

TITLE OF INVENTION:

APPL. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEES DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$0.00	\$1200	10/15/2021

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fees Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980.** It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at [www.uspto.gov/PatentMaintenanceFees](http://www.uspto.gov/PatentMaintenanceFees).

### Notice of Allowability

Application No.	Applicant(s)	
Examiner ALEXANDER J ORKIN	Art Unit 3771	AIA (FITF) Status Yes

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address—  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to the amendments filed 06/14/2021.  
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_\_.
- An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- The allowed claim(s) is/are **1-2,6-10,13-14 and 17-19**. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see [http://www.uspto.gov/patents/init\\_events/pph/index.jsp](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).
- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

#### Certified copies:

- a)  All    b)  Some    \*c)  None of the:
- Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
 including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header accompanying to 37 CFR 1.121(d).**
- DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- Notice of References Cited (PTO-892)
- Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_.
- Examiner's Comment Regarding Requirement for Deposit of Biological Material \_\_\_\_\_.
- Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other \_\_\_\_\_.

/ALEXANDER J ORKIN/  
Primary Examiner, Art Unit 3771

# Notice of Allowance With Declaration Due



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20514-0001  
www.uspto.gov

**NOTICE OF ALLOWANCE AND FEES/DUE**

EXAMINER  
QAYYUM, ZESHAN

ART UNIT      PAPER NUMBER

3685

DATE MAILED: 07/14/2021

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY Docket NO.	CONFIRMATION NO.
10132014	05/13/2014			2551

TITLE OF INVENTION: TECHNIQUES FOR MOBILE TRANSACTION PROCESSING

APPL. TYPE	ENTITY STATUS	ISSUE FEE/DUE	PUBLICATION FEE/DUE	PREV. PAID ISSUE FEE	TOTAL FEE/DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$0.00	\$1200	10/14/2021

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 37 CFR 1.313. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

**HOW TO REPLY TO THIS NOTICE:**

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status will apply.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEES/DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEES/ TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEES/ TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fees to your deposit account, section "4b" of Part B - Fees/ Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980.**

It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at [www.uspto.gov/PatentMaintenance/fees](http://www.uspto.gov/PatentMaintenance/fees).

Page 1 of 3

**Notice Requiring Inventor's  
Oath or Declaration**

Application No.	Applicant(s)	
Examiner	Art Unit	
QAYYUM, ZESHAN	3685	

This is an attachment to the Notice of Allowability (PTOL-37), or the Notice of Allowability For A Design Application (PTOL-37D).

An inventor's oath or declaration in compliance with 37 CFR 1.63 or 1.64 executed by or with respect to each inventor has not yet been submitted.

An oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each inventor (for any inventor for which a compliant oath, declaration, or substitute statement has not yet been submitted) MUST be filed **no later than the date on which the issue fee is paid**. See 35 U.S.C. 115(f). Failure to timely comply will result in ABANDONMENT of this application.

A properly executed inventor's oath to declaration has not been received for the following inventor(s):

If applicant previously filed one or more oaths, declarations, or substitute statements, applicant may have received an informational notice regarding deficiencies therein.

The following deficiencies are noted:

**INFORMAL ACTION PROBLEMS**

- A properly executed inventor's oath or declaration has not been received for the following inventor(s): **Erick C. Kobres**. Applicant may submit the inventor's oath or declaration at any time before the Notice of Allowance and (Fee)s Due, PTOL-85, is mailed.

Questions relating to this Notice should be directed to the Application Assistance Unit at 571-272-4200.

Notice of Allowability	Applicant No.	Applicant(s)
	Examiner	Art Unit
	ZESHAN QAYYUM	3685 No
<p align="center">- <b>The MAILING DATE of this communication appears on the cover sheet with the correspondence address-</b> All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. <b>THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.</b> This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.</p>		
<p>1. <input checked="" type="checkbox"/> This communication is responsive to <u>01/04/2021</u>.</p> <p><input type="checkbox"/> A declaration(s)/affidavit(s) under <b>37 CFR 1.130(b)</b> was/were filed on _____.</p>		
<p>2. <input type="checkbox"/> An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.</p>		
<p>3. <input checked="" type="checkbox"/> The allowed claim(s) is/are 12-13 and 17. As a result of the allowed claim(s), you may be eligible to benefit from the <b>Patent Prosecution Highway</b> program at a participating intellectual property office for the corresponding application. For more information, please see <a href="http://www.uspto.gov/patents/init_events/pph/index.jsp">http://www.uspto.gov/patents/init_events/pph/index.jsp</a> or send an inquiry to <a href="mailto:PPHfeedback@uspto.gov">PPHfeedback@uspto.gov</a>.</p>		
<p>4. <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p><b>Certified copies:</b></p> <p>a) <input type="checkbox"/> All    b) <input type="checkbox"/> Some    c) <input type="checkbox"/> None of the:</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> Certified copies of the priority documents have been received.</li> <li><input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</li> <li><input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this national stage application at the International Bureau (PCT Rule 17.2(a)).</li> </ol> <p>* Certified copies not received: _____.</p>		
<p>Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. <b>THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.</b></p>		
<p>5. <input type="checkbox"/> CORRECTED DRAWINGS (as "replacement sheets") must be submitted.</p> <p><input type="checkbox"/> Including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.</p> <p><b>Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).</b></p>		
<p>6. <input type="checkbox"/> DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.</p>		
<p><b>Attachment(s)</b></p> <p>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.</p> <p>3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material _____, Paper No./Mail Date _____.</p> <p>4. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.</p>		
ZESHAN QAYYUM/ Primary Examiner, Art Unit 3685		<p>5. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</p> <p>6. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</p> <p>7. <input type="checkbox"/> Other _____.</p>



## Is there a deadline to docket?

Answer: Yes, 3-months from mail date of the Notice of Allowance; THIS IS NOT EXTENDABLE.

Language from the document:

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

# Notice of Allowance Adjusted for Weekend



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UNITED STATES DEPARTMENT OF COMMERCE  
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## NOTICE OF ALLOWANCE AND FEE(S) DUE

2186 7590 05/28/2021

EXAMINER

ALSIP, MICHAEL

ART UNIT PAPER NUMBER

2186

DATE MAILED: 05/28/2021

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	09/10/2020			4052

TITLE OF INVENTION: METHOD AND SYSTEM FOR IMPROVED PERFORMANCE OF A VIDEO GAME ENGINE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEES DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$0.00	\$1200	08/30/2021

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEES(D) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fees) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.


**IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at [www.uspto.gov/PatentMaintenanceFees](http://www.uspto.gov/PatentMaintenanceFees).**

Notice of Allowability	Application No.	Applicant(s)	
	Examiner MICHAEL ALSIP	Art Unit 2136	AIA (FITF) Status Yes
<p>— The MAILING DATE of this communication appears on the cover sheet with the correspondence address— All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. <b>THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.</b> This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.</p> <p>1. <input checked="" type="checkbox"/> This communication is responsive to the <u>reply dated 5/13/2021</u>.  <input type="checkbox"/> A declaration(s)/affidavit(s) under <b>37 CFR 1.130(b)</b> was/were filed on ____.</p> <p>2. <input type="checkbox"/> An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.</p> <p>3. <input checked="" type="checkbox"/> The allowed claim(s) is/are <u>1,3-10,12-17 and 19-20</u>. As a result of the allowed claim(s), you may be eligible to benefit from the <b>Patent Prosecution Highway</b> program at a participating intellectual property office for the corresponding application. For more information, please see <a href="http://www.uspto.gov/patents/init_events/pph/index.jsp">http://www.uspto.gov/patents/init_events/pph/index.jsp</a> or send an inquiry to <a href="mailto:PPHfeedback@uspto.gov">PPHfeedback@uspto.gov</a>.</p> <p>4. <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p><b>Certified copies:</b>  a) <input type="checkbox"/> All    b) <input type="checkbox"/> Some    *c) <input type="checkbox"/> None of the:  1. <input type="checkbox"/> Certified copies of the priority documents have been received.  2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. ____.  3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  * Certified copies not received: ____.</p> <p>Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  <b>THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.</b></p> <p>5. <input type="checkbox"/> CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  <input type="checkbox"/> including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.</p> <p><b>Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).</b></p> <p>6. <input type="checkbox"/> DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.</p> <p><b>Attachment(s)</b>  1. <input type="checkbox"/> Notice of References Cited (PTO-892)  2. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____.  3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material  4. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date ____.</p> <p>5. <input type="checkbox"/> Examiner's Amendment/Comment  6. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  7. <input type="checkbox"/> Other ____.</p>			
/MICHAEL ALSIP/ Primary Examiner, Art Unit 2136			

# The Weekend Rule

## 37 CFR § 1.7 Times for taking action; Expiration on Saturday, Sunday or Federal holiday.

- (a) . . . When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday.



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**CORRECTED**

**NOTICE OF ALLOWANCE AND FEE(S) DUE**

4830 7590 09/23/2020

EXAMINER

CBNU, ALEXANDRU

ART UNIT

5081

PAPER NUMBER

DATE MAILED: 09/23/2020

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
03/30/2018				9005

TITLE OF INVENTION: ELECTRONIC JOB POSTING MARKETPLACE

APP.N. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
REGULAR	SMALL	\$500	\$0.00	\$0.00	\$500	12/23/2020

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.113 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

**HOW TO REPLY TO THIS NOTICE:**

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

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II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at [www.uspto.gov/PatentMaintenanceFees](http://www.uspto.gov/PatentMaintenanceFees).**

## Corrected Notice of Allowance - Correction of Issue Fee Amount

Due to a technical problem, the Notice of Allowance and Fee(s) Due mailed in this application specified an incorrect fee amount (the amount effective on October 2, 2020 for Notices of Allowance mailed on or after October 2, 2020). Corrected Notices of Allowance are being mailed to all applicants who are affected. This is necessary because the statute requires the applicant to pay the fee that is specified on the Notice of Allowance.

A Corrected Notice of Allowance is attached which specifies the correct issue fee. The time period for payment of the issue fee set forth in the previous Notice of Allowance and Fee(s) Due is being restarted to run THREE MONTHS from the "DATE MAILED" of the attached Corrected Notice of Allowance. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

### For applicants who replied prior to receiving the Corrected Notice of Allowance:

Applicant must still file a completed Part B – Fee(s) Transmittal, Form PTOL-85 Part B, or an equivalent, in reply to the Corrected Notice of Allowance since the Corrected Notice of Allowance sets forth a time period for reply. This applies to those situations in which applicant's reply was not processed before the Corrected Notice of Allowance was mailed (e.g., the reply crossed in the mail with the Corrected Notice of Allowance) and those situations in which applicant's reply was already processed. Applicants should check the appropriate box in section 4b of Form PTOL-85 Part B, such as the box authorizing the Director to "charge the required fee(s), any deficiency, or credit any overpayment" to a deposit account number. If this box is checked, the applicant will be refunded the amount of any overpayment to the designated deposit account. In addition, by checking the appropriate box in section 4b of Form PTOL-85, Part B, the applicant requests the Office to "first reapply any previously paid fee shown above," as stated on the form. Applicant may also include an explanatory cover letter, if desired. If, however, applicant prefers to file an equivalent of Form PTOL-85, Part B, and if applicant paid an increased issue fee amount as specified on the Notice of Allowance, applicant may request a refund of the difference between the incorrect amount specified on the Notice of Allowance and the correct amount specified on the Corrected Notice of Allowance.

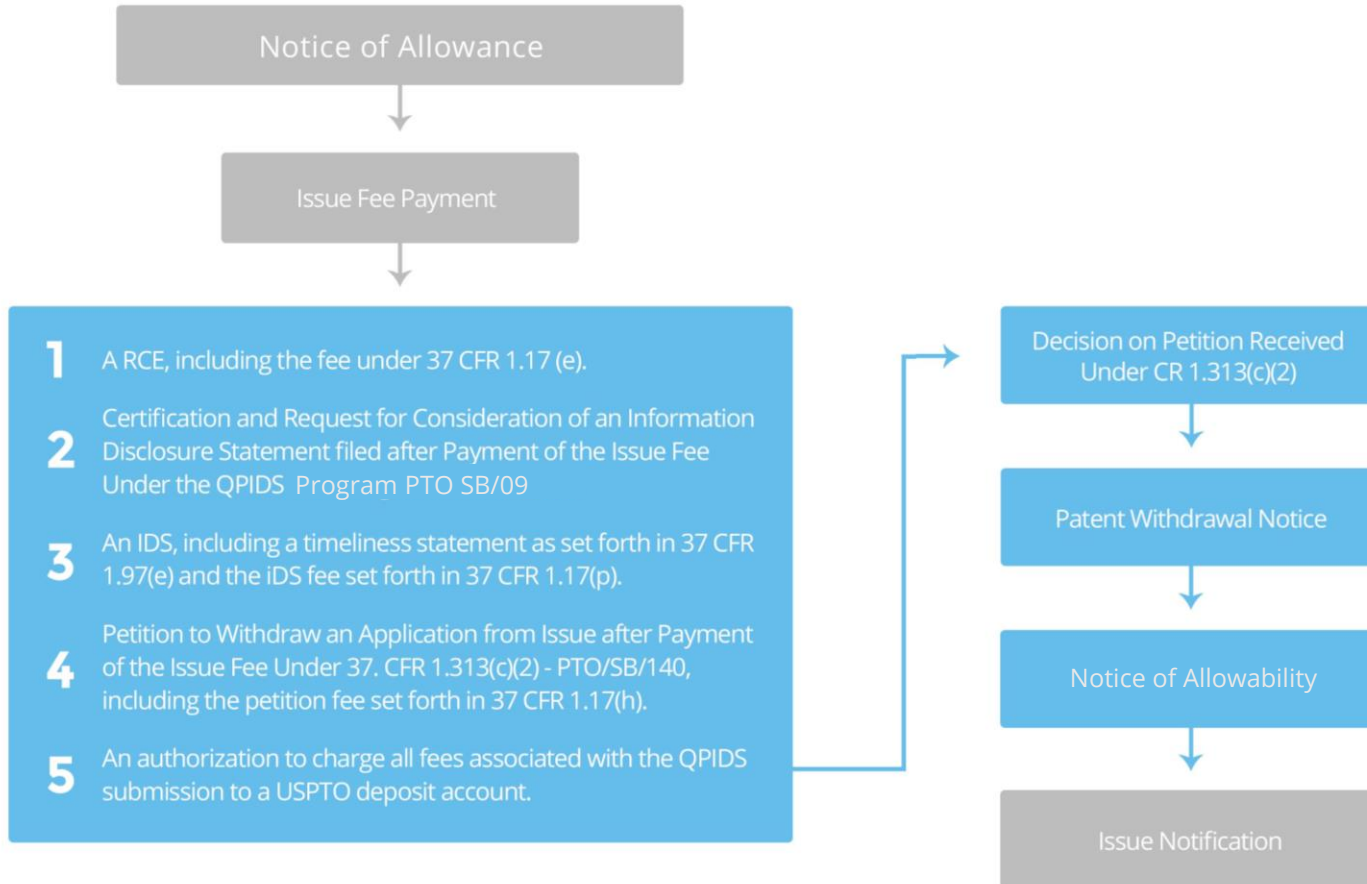
For questions regarding the issue fee amount calculation, please contact the Application Assistance Unit at 888-786-0101 or [HelpAAUC@uspto.gov](mailto:HelpAAUC@uspto.gov).

For assistance with PAIR or EFS-Web, please contact the Patent EBC at 1-866-217-9197 or [ebc@uspto.gov](mailto:ebc@uspto.gov).

# Quick Path Information Disclosure Stmt (QPIDS)

- Part of the USPTO's on-going efforts towards compact prosecution and pendency reduction.
- Eliminates the requirement for processing of a Request for Continued Examination (RCE) with an Information Disclosure Statement (IDS) filed after payment of the Issue Fee in order for the IDS to be considered by the Examiner.
- Where the Examiner determines that no item of information in the IDS necessitates reopening prosecution, the USPTO will issue a **Notice of Allowability**.
- This is now permanent.
- <https://www.uspto.gov/patents/initiatives/quick-path-information-disclosure-statement-qpids>
- [https://www.uspto.gov/sites/default/files/documents/2400\\_CPM\\_CPC\\_Routing\\_and\\_Application\\_Initiatives\\_V\\_1.0.pdf](https://www.uspto.gov/sites/default/files/documents/2400_CPM_CPC_Routing_and_Application_Initiatives_V_1.0.pdf)

# Notice of Allowability & QPIDS Filed





UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/877,968	06/01/2021	11,022,751		1059
21186	7590	0517321		

## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 21 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

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 and facilitate 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](http://SelectUSA.gov).

# Summary



## **After Today's Program, you should be able to:**

1. Identify common PTO documents including final office actions, pre-appeal and appeal documents and allowance/allowability documents
2. Understand what deadlines need to be docketed
3. Illustrate how automated docketing can reduce manual docketing errors associated with these documents



Thank you for your interest.

**Questions?**



# Contact Information

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## **Michelle Forsberg**

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