

Office of Petitions: Routing Sheet



Application No. 10/347,018

This application is being forwarded to your office for further processing. A decision has been rendered on a petition filed in this application, as indicated below. For details of this decision, please see the document PET.OP.DEC filed on the same date as this document.

GRANTED

DISMISSED

DENIED



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.
10/347,018	01/17/2003	Alice Mary Kiely		6985

Alice O. Kiely⁷⁵⁹⁰
71 Stonewall Court
Yorktown Heights, NY 10598

11/04/2016

EXAMINER

CHAWLA, JYOTI

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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11/04/2016

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

In re Application of :
Alice Mary Kiely :
Application No. 10/347,018 : DECISION ON PETITION
Filed: January 17, 2003 :
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(a), filed October 3, 2016 to revive the above-identified application, filed in response to the decision mailed August 1, 2016 dismissing the original petition 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 final Office action mailed December 6, 2013 which set a shortened statutory period for reply of three (3) months. A month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on April 8, 2014.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$850 (submitted October 13, 2015 and October 3, 2016) and the submission required by 37 CFR 1.114 (submitted October 13, 2015 and October 3, 2016), in response to the Final Office Action mailed December 6, 2013; (2) the petition fee of \$850 (submitted June 29, 2015); and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Vanitha Elgart at (571) 272-7395.

The application is being forwarded to Technology Center AU 1792 for appropriate action in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/VANITHA ELGART/
Vanitha Elgart
Petitions Examiner
Office of Petitions

Office of Petitions: Decision Count Sheet

Mailing Month

Application No.

10347018



For US serial numbers: enter number only, no slashes or commas. Ex: 10123456

For PCT: enter "51+single digit of year of filing+last 5 numbers", Ex. for PCT/US05/12345, enter 51512345

Deciding Official:

ELGART, VANITHA

Count (1) - Palm Credit

10/347,018

Decision: GRANT

FINANCE WORK NEEDED

Select Check Box for YES



Decision Type: 502 - 37 CFR 1.137(b) - REVIVAL BASED ON UNINTENTIC



Notes:

Count (2)

Decision: n/a

FINANCE WORK NEEDED

Select Check Box for YES

Decision Type: NONE

Notes:

Count (3)

Decision: n/a

FINANCE WORK NEEDED

Select Check Box for YES

Decision Type: NONE

Notes:

Initials of Approving Official (if required)

If more than 3 decisions, attach 2nd count sheet & mark this box

Printed on:

RECEIVED
CENTRAL FAX CENTER

OCT 03 2016

In the United States Patent and Trademark Office

Appn. Number: 10/347,018
Appn. Filed: August 18, 2000
Div. Filed: January 17, 2003
Applicant: Alice Mary O'Donnell Kiely
Title: Edible Homogenous Supports for Comestibles
with Optional, Edible Mess Guards and Drip Guards
Examiner/GAU: Jyoti Chawla/1792

Yorktown Heights, NY

October 3, 2016

Renewed Petition under 37 CFR 1.137(a)

Assistant Commissioner for Patents
ATTN: Office of Petitions
Arlington, Virginia 22313

Sir:

Applicant respectfully requests renewed petition under 37 USC 1.137(a) to revive the above application. The remainder of the missing fee is attached hereto in order to place the Request for Continued Examination in proper condition. Regarding page 2 of the Decision on Petition, as far as Applicant is aware, the petition filed October 113, 2015 was properly signed. A copy is attached.

OCT 03 2016

FACSIMILE TRANSMITTAL SHEET

TO: Commissioner for Patents United States Patent and Trademark Office	FROM: Alice O. Kiely 71 Stonewall Court Yorktown Heights, NY 10598-1819
ATTENTION OF: Office of Petitions	DATE: 10/3/2016
FAX NUMBER: 571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER: 14
DUPLICATE NUMBER:	
RE: Application 10/347,018	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

In the United States Patent and Trademark Office

Appn. Number: 10/347,018
 Appn. Filed: August 18, 2000
 Div. Filed: January 17, 2003
 Applicant: Alice Mary O'Donnell Kiely
 Title: Edible Homogenous Supports for Comestibles
 Examiner/GAU: Jyoti Chawla/1792

The following received today at the USPTO: 14 pages including; Copy of the Signed Renewed Petition to Revive the above application sent previously on October 13, 2015, to verify that this document had been signed on the date sent; Proper reply with amendments to the claims and remarks; Signed Form 2038 with fee for \$425.00 for remainder of the fee for small-entity and \$40.00 fee for one dependent claim over 20; fax cover sheet; cover letter entitled, "Request for Renewed Petition under 37 CFR 1.137(a); Signed Certificate of Facsimile 10/3/2016.

10/04/2016 JYONG1 00000016 10347018

02 FC:2202

40.00 OP

Adjustment date: 10/04/2016 JYONG1
 10/14/2015 JYONG1 00000009 10347018
 01 FC:3820

-425.00 OP



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Alice O. Kiely⁷⁵⁹⁰
71 Stonewall Court
Yorktown Heights, NY 10598

08/01/2016

EXAMINER

CHAWLA, JYOTI

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08/01/2016

PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of :
Alice Mary Kiely :
Application No. 10/347,018 : DECISION ON PETITION
Filed: January 17, 2003 :
: :
: :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(a), filed October 13, 2015 to revive the above-identified application, filed in response to the decision mailed September 9, 2015 dismissing the original petition to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." 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 final Office action mailed December 6, 2013 which set a shortened statutory period for reply of three (3) months. A month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on April 8, 2014.

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

The instant petition lacks item (1). With regard to item (1), a reply in the form of a Request for Continued Examination (RCE), including a fee of \$425 and the submission required by 37 CFR 1.114 in response to the final Office action of December 6, 2013 was filed October 13, 2015. However, the fee is insufficient as the certification of micro entity status submitted October 13, 2015 is improper in that the certification does not provide the patent application number of the above-identified application nor does the certification identify the above-identified application by the correct title. Therefore, the RCE is not proper.

Art Unit: OPET

Petitioner should also note that the petition filed October 13, 2015 has not been signed.

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

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

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

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

By internet: EFS-Web¹

Telephone inquiries concerning this decision should be directed to Vanitha Elgart at (571) 272-7395.

/ Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Office of Petitions: Routing Sheet



Application No. 10/347,018

This application is being forwarded to your office for further processing. A decision has been rendered on a petition filed in this application, as indicated below. For details of this decision, please see the document PET.OP.DEC filed on the same date as this document.

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DISMISSED

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Office of Petitions: Decision Count Sheet

Mailing Month

Application No.

10347018



For US serial numbers: enter number only, no slashes or commas. Ex: 10123456

For PCT: enter "51+single digit of year of filing+last 5 numbers", Ex. for PCT/US05/12345, enter 51512345

Deciding Official:

ELGART, VANITHA

Count (1) - Palm Credit

10/347,018

Decision: DISMISSED

FINANCE WORK NEEDED

Select Check Box for YES



Decision Type: 502 - 37 CFR 1.137(b) - REVIVAL BASED ON UNINTENTIC



Notes:

Count (2)

Decision: n/a

FINANCE WORK NEEDED

Select Check Box for YES

Decision Type: NONE

Notes:

Count (3)

Decision: n/a

FINANCE WORK NEEDED

Select Check Box for YES

Decision Type: NONE

Notes:

Initials of Approving Official (if required)

If more than 3 decisions, attach 2nd count sheet & mark this box



Printed on:

OCT 13 2015

In the United States Patent and Trademark Office

Appn. Number: 10/347,018
 Appn. Filed: August 18, 2000
 Div. Filed: January 17, 2003
 Applicant: Alice Mary O'Donnell Kiely
 Title: Edible Homogenous Supports for Comestibles
 with Optional, Edible Mess Guards and Drip Guards
 Examiner/GAU: Jyoti Chawla/1792

Yorktown Heights, NY

October 13, 2015

Renewed Petition under 37 CFR 1.137(a)

Assistant Commissioner for Patents
 Office of Petitions
 Arlington, Virginia 22313

Sir:

Applicant respectfully requests renewed petition to revive the above application.