

I hereby certify that this correspondence is being electronically transmitted to the USPTO on the date shown below.

Date: November 27, 2007

Signature: _____

(Linda Mirelez)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 11/552,913
Confirmation No.: 2899
Filing Date: October 25, 2006
Inventor(s): Steven W. KIM et al.
Title: DEVICES AND METHODS FOR TREATMENT OF VASCULAR ANEURYSMS
Examiner: Not Yet Assigned
Group Art Unit: 3738

**REQUEST FOR DISMISSAL OF PETITION UNDER 37 C.F.R. § 1.183
WITHOUT PREJUDICE AND RECONSIDERATION OF PETITION UNDER 37
C.F.R. § 1.48(a)**

Mail Stop Petition
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the Decision on Petition ("Decision") issued by the U.S. Patent and Trademark Office on October 19, 2007 in the above-captioned application. In said Decision, Applicants' Request to Suspend Rules Pursuant to 37 C.F.R. § 1.183 and Request to Correct Inventorship Pursuant to 37 C.F.R. § 1.48(a) ("Petitions") as filed on September 12, 2007 were dismissed.

Applicants had petitioned that inventor Neil HOLMGREN be deleted from the instant application. Applicants had additionally petitioned under 37 C.F.R. § 1.183 to request waiver of the requirement for a statement by inventor HOLMGREN since he was unavailable at the time to sign such a statement. Inventor HOLMGREN has since returned to the United States and has signed the appropriate Statement in Support of Request for Correction of Inventorship Pursuant to 37 C.F.R. § 1.48(a)(2). A copy of his executed statement

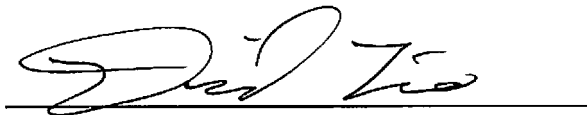
accompanies the revised Request to Correct Inventorship Pursuant to 37 C.F.R. § 1.48(a) submitted herewith. In light of this fact, Applicants respectfully request that the Petition Under 37 C.F.R. § 1.183 submitted on September 12, 2007 be dismissed without prejudice.

In the Decision, it was stated that the Substitute Declaration submitted with the Petitions on September 12, 2007 was unacceptable because it was not accompanied by a properly entitled and marked-up Application Data Sheet. Further submitted herewith is a correctly entitled "Supplemental Application Data Sheet" containing the requisite mark-ups to indicate the application's corrected inventorship.

The U.S. Patent and Trademark Office is respectfully requested to (1) dismiss the Petition Under 37 C.F.R. § 1.183 as filed on September 12, 2007, without prejudice, (2) to enter and make of record the enclosed revised Request to Correct Inventorship Pursuant to 37 C.F.R. § 1.48(a) and its supporting documents, and (3) to enter and make of record the enclosed resubmitted Substitute Declaration in light of the enclosed revised Supplemental Application Data Sheet.

In the event the appropriate fee and/or petition is/are not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is/are required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to **Deposit Account No. 50-3973** referencing Attorney Docket No. **FGRTNZ00302**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



David A. Levine
Registration No. 48,821

Customer No. 40518
Levine Bagade Han LLP
2483 East Bayshore Road, Suite 100
Palo Alto, CA 94303
Direct: (650) 242-4214
Fax: (650) 284-2180

I hereby certify that this correspondence is being electronically transmitted to the USPTO on the date shown below.

Date: November 27, 2007

Signature: _____

(Linda Mirelez)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 11/552,913

Confirmation No.: 2899

Filing Date: October 25, 2006

Inventor(s): Steven W. KIM et al.

Title: DEVICES AND METHODS FOR TREATMENT OF VASCULAR ANEURYSMS

Examiner: Not Yet Assigned

Group Art Unit: 3738

REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.48(a)

Mail Stop Petition
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests that the inventorship of the above-captioned patent application be corrected to delete the following named co-inventor: Neil David HOLMGREN (erroneously named as Neil Bruce HOLMGREN in the Request to Correct Inventorship Pursuant to 37 C.F.R. § 1.48(a) submitted on September 12, 2007). The inventorship error occurred without deceptive intention on the part of the named inventor. Attached hereto as EXHIBIT A is a Statement of Fact to support this correction.

In support of this request, a statement by Neil David HOLMGREN that the error in inventorship occurred without deceptive intent, an executed Substitute Declaration, and consent of Assignee are enclosed. The processing fee for filing this Request to Correct Inventorship as required under 37 CFR § 1.17(i) is submitted herewith.

The U.S. Patent and Trademark Office is respectfully requested to correct the inventorship and to enter the enclosed Substitute Declaration.

In the event the appropriate fee and/or petition is/are not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is/are required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to **Deposit Account No. 50-3973** referencing Attorney Docket No. **FGRTNZ00302**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



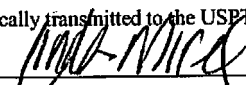
David A. Levine
Registration No. 48,821

Customer No. 40518
Levine Bagade Han LLP
2483 East Bayshore Road, Suite 100
Palo Alto, CA 94303
Direct: (650) 242-4214
Fax: (650) 284-2180

EXHIBIT A

Statement of Fact
in Support of Deletion
of Neil Bruce HOLMGREN as Co-Inventor

- Neil Bruce HOLMGREN did not collaborate with Steven W. KIM and Brian K. SHIU.

I hereby certify that this correspondence is being electronically transmitted to the USPTO on the date shown below.
Date: November 27, 2007 Signature:  (Linda Mirelez)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 11/552,913
Confirmation No.: 2899
Filing Date: October 25, 2006
Inventor(s): Steven W. KIM et al.
Title: DEVICES AND METHODS FOR TREATMENT OF VASCULAR ANEURYSMS
Examiner: Not Yet Assigned
Group Art Unit: 3738

STATEMENT BY NEIL DAVID HOLMGREN IN SUPPORT OF REQUEST FOR CORRECTION OF INVENTORSHIP PURSUANT TO 37 C.F.R. §1.48(a)(2)

Mail Stop Petition
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Neil David HOLMGREN, declare as follows:

- 1) I reside at 2245 S. Drake Avenue, #1, Chicago, IL 60623;
- 2) I have been named as an inventor of an invention claimed in the above-captioned patent application; and
- 3) My name was erroneously included in the inventorship as originally filed, and this error in inventorship occurred without any deceptive intent on my part.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Neil David HOLMGREN

Signature: 

Date: 10/26/07

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.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	DEVICES AND METHODS FOR TREATMENT OF VASCULAR ANEURYSMS
---------------------------	--

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- The attached application, or
- Application No. 11/552,913 filed on October 25, 2006
- As amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.


WARNING:

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

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Steven W. KIM
 Signature:  Citizen of: US

Inventor two: Brian K. SHIU
 Signature:  Citizen of: US

Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1 minute 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.

I hereby certify that this correspondence is being electronically transmitted to the USPTO on the date shown below. *Linda Mireles*
Date: November 27, 2007 Signature: *Linda Mireles* (Quyen Nguyen)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 11/552,913
Confirmation No.: 2899
Filing Date: October 25, 2006
Inventor(s): Steven W. KIM et al.
Title: DEVICES AND METHODS FOR TREATMENT OF VASCULAR ANEURYSMS
Examiner: Not Yet Assigned
Group Art Unit: 3738

**CONSENT OF ASSIGNEE FOR REQUEST TO CORRECT INVENTORSHIP
PURSUANT TO 37 C.F.R. §1.48(a)(5)**

Mail Stop Petition
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I am the assignee of the above-captioned patent application as recorded in the U.S. Patent and Trademark Office at Reel/Frame 018447/0710. I am fully aware of the Request to Correct Inventorship to delete Neil Bruce HOLMGREN as a co-inventor. Accordingly, I consent to the change in inventorship.

Thomas J. Fogarty, M.D.

Signature: *Thomas J. Fogarty*
Name: THOMAS J. FOGARTY MD
Title: _____
Date: 8/23/07



LEVINE BAGADE HAN LLP
2483 EAST BAYSHORE ROAD, SUITE 100
PALO ALTO, CA 94303

COPY MAILED

OCT 19 2007

OFFICE OF PETITIONS

In re Application of Kim et al. :
Application No. 11/552,913 :
Filing Date: October 25, 2006 :
Attorney Docket No. FGRTNZ00302 :

Decision on Petition

This is a decision in response to the request filed September 12, 2007, under 37 CFR 1.48(a) to correct inventorship and the petition under 37 CFR 1.183 requesting waiver of the requirement for a statement from each person being deleted that the inventorship error occurred without deceptive intent on his or her part.

The petition under 37 CFR 1.48(a) is **dismissed**.

The petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.48(a) is **dismissed**.

The petition under 37 CFR 1.48(a):

37 CFR 1.48(a) states,

Amendment of the inventorship requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner has failed to satisfy item (2) above. A petition to waive requirement (2) has been filed and will be discussed later in this decision.

Petitioner has failed to satisfy item (3). Specifically, petitioner has failed to submit a declaration by the actual inventors as required by 37 CFR 1.63.

37 CFR 1.63(c) states,

Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify ... [t]he mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor.

Although the declaration does not list a mailing or residential address for either inventor, petitioner has submitted an Application Data Sheet. Unfortunately, the application data sheet fails to comply with the requirements of 37 CFR 1.76.

37 CFR 1.76(c) states,

Supplemental application data sheets ... [m]ust be titled "Supplemental Application Data Sheet," ... and must identify the information that is being changed, preferably with underlining for insertions, and strike-through or brackets for text removed.

The Application Data Sheet filed September 12, 2007, is not titled "Supplemental Application Data Sheet." Per MPEP 601.05, "[W]hile the title 'Supplemental Application Data Sheet' is preferred, 'Supp. ADS', 'Supplemental ADS' or other variations thereof will be accepted."

The Application Data Sheet filed September 12, 2007, fails to identify the information that is being changed.

Since the Application Data Sheet filed September 12, 2007, fails to comply with 37 CFR 1.76, the request under 37 CFR 1.48(a) cannot be granted.

The petition under 37 CFR 1.183:

37 CFR 1.183 states,

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed.

At this time, justice does not require waiver of 37 CFR 1.48(a)(2) since the request under 37 CFR 1.48(a) to delete Neil Bruce Holmgren as an inventor of record will be dismissed even if the Office waives 37 CFR 1.48(a)(2). In other words, the issue of waiver is moot until such a time as the other requirements of 37 CFR 1.48(a) are met.

For the reasons above, the petition under 37 CFR 1.183 will not be granted at this time.

Future action necessary to have Neil Bruce Holmgren deleted as an inventor of record.

Petitioner must submit a request for reconsideration within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted.

The request for reconsideration does not need to be accompanied by any additional fees.

The reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.48 and Petition Under 37 CFR 1.183."

The request for reconsideration should include a corrected application data sheet.

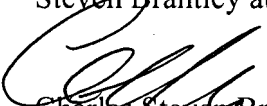
The request for reconsideration may be submitted using EFS web.

If the request for reconsideration is not submitted by EFS web, the request 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

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

I hereby certify that this correspondence is being electronically transmitted to the USPTO on the date shown below.

Date: September 12, 2007

Signature: _____

(Linda Mirelez)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 11/552,913
Confirmation No.: 2899
Filing Date: October 25, 2006
Inventor(s): Steven W. KIM et al.
Title: DEVICES AND METHODS FOR TREATMENT OF VASCULAR ANEURYSMS
Examiner: Not Yet Assigned
Group Art Unit: 3738

REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. §1.48(a)

Mail Stop Petition
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests that the inventorship of the above-captioned patent application be corrected to delete the following named co-inventor: Neil Bruce HOLMGREN. The inventorship error occurred without deceptive intention on the part of the named inventor. Attached hereto as EXHIBIT A is a Statement of Fact to support this correction.

An executed Substitute Declaration and an executed Consent of Assignee are enclosed herewith. However, Neil Bruce HOLMGREN cannot be reached to sign a statement that the error in inventorship occurred without deceptive intent. A petition under 37 CFR § 1.183 requesting that the requirement for his statement be waived accompanies this paper. The processing fee for filing this Request to Correct Inventorship as required under 37 CFR § 1.17(i) is submitted herewith.

The U.S. Patent and Trademark Office is respectfully requested to correct the inventorship and to enter the enclosed Substitute Declaration.

In the event the appropriate fee and/or petition is/are not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is/are required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to **Deposit Account No. 50-3973** referencing Attorney Docket No. **FGRTNZ00302**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Levine", is written over a solid horizontal line.

David A. Levine
Registration No. 48,821

Customer No. 40518
Levine Bagade Han LLP
2483 East Bayshore Road, Suite 100
Palo Alto, CA 94303
Direct: (650) 242-4214
Fax: (650) 284-2180