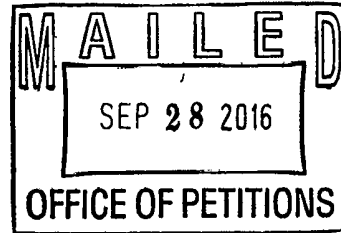




MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661



In re Patent No. 8,100,288 :
Issue Date: January 24, 2012 :
Application No. 12/398,475 :
Filed: March 05, 2009 :
Attorney Docket No. 17823US02 :

NOTICE

This is a notice regarding your request, filed January 29, 2016, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See **DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

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

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

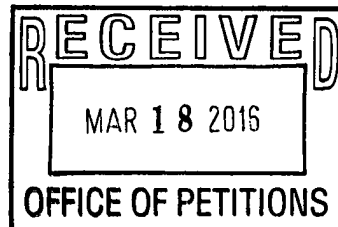
This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the undiscounted entity rate.

Applicant is reminded that pursuant to 37 CFR 1.28(c)(2)(i) "where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error." If the itemization submitted with the present request does not comply with 37 CFR 1.28(c)(2)(i) because a fee has decreased, applicant should, within ONE MONTH of the date of this Notice, submit a renewed request for acceptance of a fee deficiency under 37 CFR 1.28(c) along with balance of the correct fee deficiency in compliance with 37 CFR 1.28(c)(2)(i) and a replacement itemized listing of each fee erroneously paid as a small entity in compliance with 37 CFR 1.28(c)(2)(ii). **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0593.

/DeTya Flowers/
DeTya Flowers
Petitions Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE



In the Application of:
Jean-Pierre Giraud

Serial No.: 12/398,475

Filed or 371(c) Date: March 5, 2009

For: NON-ROUND MOISTURE-TIGHT
RE-SEALABLE CONTAINERS
WITH ROUND SEALING
SURFACES

Examiner: Elizabeth J. Volz

Group Art Unit No.: 3781

Confirmation No.: 1155

Submitted Electronically on
January 26, 2016

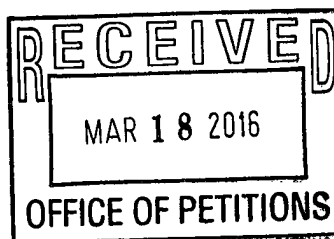
NOTIFICATION OF WITHDRAWAL OF SMALL ENTITY STATUS
UNDER 37 CFR § 1.28(c)

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

Sir:

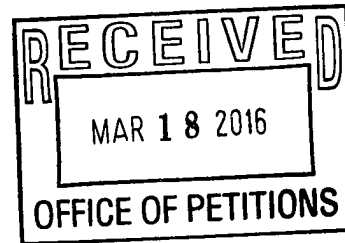
Applicant hereby notifies the Patent and Trademark Office that the above-identified patent application is not entitled to status as a small entity, and that the claim for small entity status is hereby withdrawn.

Accordingly, we now submit a chart itemizing the fee deficiency and calculating the amount owed by Applicant under 37 CFR § 1.28(c)(2)(ii) and the balance due as a large entity.



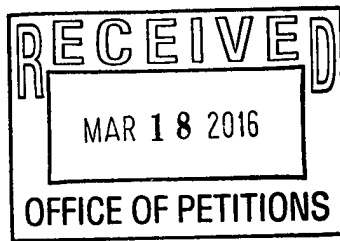
Attorney Docket No.17823US02

Fee Code/Name	Accounting Date	Previously Paid at Small Entity Rate	Previously Paid at Large Entity Rate	Large Entity Fee Owed per 37 CFR §1.28(c)(2)(i)	Total Deficiency Owed to Large Entity per 37 CFR §1.28(c)(2)(ii)(C)	Amount to be refunded to Applicant
1551 – 3.5 year Patent maintenance fee	07-27-2015	—	\$1,600.00	—	—	—
1461 – Pctition Fee	01-20-2015	—	\$205.00	—	—	—
2501 – Utility issue fee	12-20-2011	\$870.00	\$1,740.00	\$870.00	\$870.00	—
1504 - Publication fee	12-20-2011	\$300.00	\$300.00	\$300.00	—	—
2201 – Independent claims in excess of 3	09-08-2011	\$440.00	—	—	—	—
2801 – Request for continud examination	05-03-2011	\$405.00	—	—	—	—
1806 – Information disclosure statement	01-20-2011	\$180.00	—	—	—	—
1806 – Information disclosure statement	11-23-2010	\$180.00	—	—	—	—
8021 – Recording patent assignment	09-04-2009	\$40.00	—	—	—	—
1011 – Basic filing fee	06-11-2009	—	(\$330.00)	—	—	—
1111 – Utility search fee	06-11-2009	—	(\$540.00)	—	—	—
1311 – Utility examination fee	06-11-2009	—	(\$220.00)	—	—	—



Attorney Docket No.17823US02

Fee Code/Name	Accounting Date	Previously Paid at Small Entity Rate	Previously Paid at Large Entity Rate	Large Entity Fee Owed per 37 CFR §1.28(c)(2)(i)	Total Deficiency Owed to Large Entity per 37 CFR §1.28(c)(2)(ii)(C)	Amount to be refunded to Applicant
1202 – Claims in excess of 20	06-11-2009	—	(\$104.00)	—	—	—
4011 – Basic filing fee	06-11-2009	\$82.00	—	—	—	—
2111 – Utility Search fee	06-11-2009	\$270.00	—	—	—	—
2311 – Utility examination fee	06-11-2009	\$110.00	—	—	—	—
2202 – Claims in excess of 20	06-11-2009	\$52.00	—	—	—	—
2051 – Late filing fee for oath or declaration	06-08-2009	\$65.00	—	—	—	—
2251 – 1 month extension of time	06-08-2009	\$65.00	—	—	—	—
June 5, 2009 – Applicant filed Submission of Small Entity Assertion & Refund Request						
8021 – Recording patent assignment	05-28-2009	\$40.00	—	—	—	—
1011 – Utility application fee	03-06-2009	—	\$330.00	\$330.00	—	—
1111 – Utility search fee	03-06-2009	—	\$540.00	\$540.00	—	—
1311 – Utility examination fee	03-06-2009	—	\$220.00	\$220.00	—	—
1202 – Claims in excess of 20	03-06-2009	—	\$104.00	\$104.00	—	—



Attorney Docket No.17823US02

The delay in payment of fees at the large entity rate was unintentional.

Please also charge any additional fees presently required or credit any overpayment to Deposit Account No. 13-0017.

Respectfully submitted,

Dated: January 26, 2016

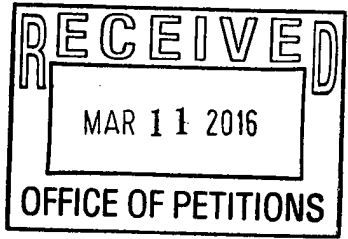
/George Wheeler/
George Wheeler
Reg. No. 28,766
Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
34th Floor
Chicago, Illinois 60661
Telephone (312) 775-8000
Facsimile (312) 775-8100

1.28C



UNITED STATES PATENT AND TRADEMARK OFFICE



Inventor Application of:
Jean-Pierre Giraud

Serial No.: 12/398,475

Filed or 371(c) Date: March 5, 2009

Submitted Electronically on
January 26, 2016

For: NON-ROUND MOISTURE-TIGHT
RE-SEALABLE CONTAINERS
WITH ROUND SEALING
SURFACES

Examiner: Elizabeth J. Volz

Group Art Unit No.: 3781

Confirmation No.: 1155

2016 MAR -4 PM 3: 28
USPTO
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DIVISION

NOTIFICATION OF WITHDRAWAL OF SMALL ENTITY STATUS
UNDER 37 CFR § 1.28(c)

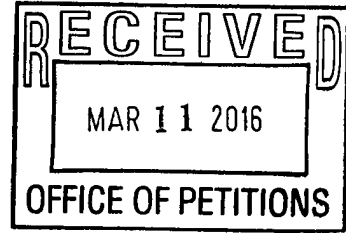
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby notifies the Patent and Trademark Office that the above-identified patent application is not entitled to status as a small entity, and that the claim for small entity status is hereby withdrawn.

Accordingly, we now submit a chart itemizing the fee deficiency and calculating the amount owed by Applicant under 37 CFR § 1.28(c)(2)(ii) and the balance due as a large entity.

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Attorney Docket No.17823US02

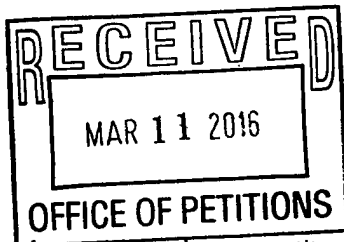
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1461 - Petition Fee	01-20-2015	—	\$205.00	—	—	—
2501 - Utility issue fee	12-20-2011	\$870.00	\$1,740.00	\$870.00	\$870.00	—
1504 - Publication fee	12-20-2011	\$300.00	\$300.00	\$300.00	—	—
2201 - Independent claims in excess of 3	09-08-2011	\$440.00	—	—	—	—
2801 - Request for continued examination	05-03-2011	\$405.00	—	—	—	—
1806 - Information disclosure statement	01-20-2011	\$180.00	—	—	—	—
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8021 - Recording patent assignment	09-04-2009	\$40.00	—	—	—	—
1011 - Basic filing fee	06-11-2009	—	(\$330.00)	—	—	—
1111 - Utility search fee	06-11-2009	—	(\$540.00)	—	—	—
1311 - Utility examination fee	06-11-2009	—	(\$220.00)	—	—	—

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 DIVISION

Fee Code/Name	Accounting Date	Previously Paid at Small Entity Rate	Previously Paid at Large Entity Rate	Large Entity Fee Owed per 37 CFR §1.28(c)(2)(i)	Total Deficiency Owed to Large Entity per 37 CFR §1.28(c)(2)(ii)(C)	Amount to be refunded to Applicant
1202 – Claims in excess of 20	06-11-2009	—	(\$104.00)	—	—	—
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1011 – Utility application fee	03-06-2009	—	\$330.00	\$330.00	—	—
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1311 – Utility examination fee	03-06-2009	—	\$220.00	\$220.00	—	—
1202 – Claims in excess of 20	03-06-2009	—	\$104.00	\$104.00	—	—

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DIVISION



The delay in payment of fees at the large entity rate was unintentional.

Please also charge any additional fees presently required or credit any overpayment to Deposit Account No. 13-0017.

Respectfully submitted,

Dated: January 26, 2016

/George Wheeler/
George Wheeler
Reg. No. 28,766
Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
34th Floor
Chicago, Illinois 60661
Telephone (312) 775-8000
Facsimile (312) 775-8100

USPTO
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2016 MAR 11 4 PM 3:29

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:
Jean-Pierre Giraud

Serial No.: 12/398,475

Filed or 371(c) Date: March 5, 2009

For: NON-ROUND MOISTURE-TIGHT
RE-SEALABLE CONTAINERS
WITH ROUND SEALING
SURFACES

Examiner: Elizabeth J. Volz

Group Art Unit No.: 3781

Confirmation No.: 1155

Submitted Electronically on
January 26, 2016

NOTIFICATION OF WITHDRAWAL OF SMALL ENTITY STATUS
UNDER 37 CFR § 1.28(c)

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

Sir:

Applicant hereby notifies the Patent and Trademark Office that the above-identified patent application is not entitled to status as a small entity, and that the claim for small entity status is hereby withdrawn.

Accordingly, we now submit a chart itemizing the fee deficiency and calculating the amount owed by Applicant under 37 CFR § 1.28(c)(2)(ii) and the balance due as a large entity.

Fee Code/Name	Accounting Date	Previously Paid at Small Entity Rate	Previously Paid at Large Entity Rate	Large Entity Fee Owed per 37 CFR §1.28(c)(2)(i)	Total Deficiency Owed to Large Entity per 37 CFR §1.28(c)(2)(ii)(C)	Amount to be refunded to Applicant
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1461 – Petition Fee	01-20-2015	—	\$205.00	—	—	—
2501 – Utility issue fee	12-20-2011	\$870.00	\$1,740.00	\$870.00	\$870.00	—
1504 - Publication fee	12-20-2011	\$300.00	\$300.00	\$300.00	—	—
2201 – Independent claims in excess of 3	09-08-2011	\$440.00	—	—	—	—
2801 – Request for continued examination	05-03-2011	\$405.00	—	—	—	—
1806 – Information disclosure statement	01-20-2011	\$180.00	—	—	—	—
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8021 – Recording patent assignment	09-04-2009	\$40.00	—	—	—	—
1011 – Basic filing fee	06-11-2009	—	(\$330.00)	—	—	—
1111 – Utility search fee	06-11-2009	—	(\$540.00)	—	—	—
1311 – Utility examination fee	06-11-2009	—	(\$220.00)	—	—	—

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1311 – Utility examination fee	03-06-2009	—	\$220.00	\$220.00	—	—
1202 – Claims in excess of 20	03-06-2009	—	\$104.00	\$104.00	—	—

The delay in payment of fees at the large entity rate was unintentional.

Please also charge any additional fees presently required or credit any overpayment to Deposit Account No. 13-0017.

Respectfully submitted,

Dated: January 26, 2016

/George Wheeler/
George Wheeler
Reg. No. 28,766
Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
34th Floor
Chicago, Illinois 60661
Telephone (312) 775-8000
Facsimile (312) 775-8100

Electronic Acknowledgement Receipt

EFS ID:	24722193
Application Number:	12398475
International Application Number:	
Confirmation Number:	1155
Title of Invention:	NON-ROUND MOISTURE-TIGHT RE-SEALABLE CONTAINERS WITH ROUND SEALING SURFACES
First Named Inventor/Applicant Name:	Jean-Pierre Giraud
Customer Number:	23446
Filer:	George F. Wheeler/Deb Wilson
Filer Authorized By:	George F. Wheeler
Attorney Docket Number:	17823US02
Receipt Date:	26-JAN-2016
Filing Date:	05-MAR-2009
Time Stamp:	11:44:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notification of loss of entitlement to small entity status	17823US02_Withdraw_Small_Entity_Status_160126.pdf	36698 bbcfed664da9268f39251cbb26cb2f27d1babb6	no	4

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

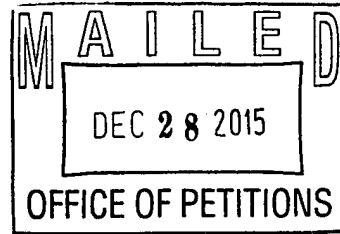
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661



In re Patent No: 8,100,288 :
Issue Date: January 24, 2012 :
Application No. 12/398,475 : NOTICE
Filed: March 05, 2009 :
Attorney Docket No. 17823US02 :

This is a notice regarding the renewed request for acceptance of a fee deficiency submission under 37 CFR 37 CFR 1.28(c) filed October 09, 2015.

There is no indication that the request is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. George Wheeler appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

The request is **DISMISSED**.

It is noted that an itemization of the fee deficiency was submitted; however, the calculation of the issue fee deficiency owed is not in compliance with the requirements of 37 CFR 1.28(c)(2)(i), which reads:

“(i) *Calculation of the deficiency owed.* The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. **Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;**” Emphasis added.

37 CFR 1.28(c)(2)(ii) goes on to say:

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

- (B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;
- (C) The deficiency owed amount (for each fee erroneously paid); and
- (D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Applicant is given **ONE MONTH** or **THIRTY DAYS**, whichever is longer, from the mailing date of this decision to submit the fees required pursuant to 37 CFR 1.28(2)(i) and a replacement itemized listing of each fee erroneously paid as a small entity in compliance with 37 CFR 1.28(c)(2)(ii). **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.**

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

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

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

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

By Internet: EFS-Web¹

Any questions concerning this matter may be directed to Tonya McBride at (571) 272-6609.

Andrea Smith
Andrea Smith
Lead Paralegal Specialist
Office of Petitions

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

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OCT 09 2015

Attorney Docket No.17823US02

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:
Jean-Pierre Giraud

Serial No.: 12/398,475

Filed or 371(c) Date: March 5, 2009

For: NON-ROUND MOISTURE-TIGHT
RE-SEALABLE CONTAINERS
WITH ROUND SEALING
SURFACES

Examiner: Elizabeth J. Volz

Group Art Unit No.: 3781

Confirmation No.: 1155

RECEIVED
OCT 19 2015
OFFICE OF PETITIONS

Submitted by Facsimile on
October 9, 2015

2015 OCT 14 PM 4: 03

USPTO
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DIVISION

NOTIFICATION OF WITHDRAWAL OF SMALL ENTITY STATUS
UNDER 37 CFR § 1.28(c)

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

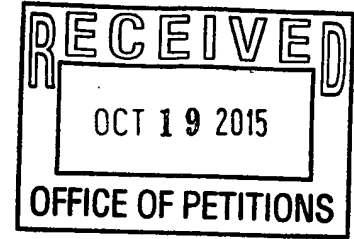
Sir:

Responsive to the Notice dated September 9, 2015, Applicant hereby notifies the Patent and Trademark Office that the above-identified patent application is not entitled to status as a small entity, and that the claim for small entity status is hereby withdrawn.

Accordingly, we now submit a chart itemizing the fee deficiency and calculating the amount owed by Applicant under 37 CFR § 1.28(c)(2)(ii) and the balance due as a large entity.

Attorney Docket No. 17823US02

Fee Code/Name	Accounting Date	Previously Paid at Small Entity Rate	Previously Paid at Large Entity Rate	Large Entity Fee Owed per 37 CFR §1.28(c)(2)(i)	Total Deficiency Owed to Large Entity per 37 CFR §1.28(c)(2)(ii)(C)	Amount charged by USPTO on 01/16/2015 Under Fee code 1461	Amount to be refunded to Applicant
1461	01/16/2015	660.00	—	—	—	660.00	—
2502 - Design issue fee	06/03/2011	430.00	—	180.00	70.00	—	—
2012 - Basic filing fee - Design	02/02/2011	110.00	—	120.00	70.00	—	—
2112 - Design Search Fee	02/02/2011	50.00	—	460.00	390.00	—	—
2312 - Design Examination Fee	02/02/2011	70.00	—	560.00	130.00	—	—



2015 OCT 14 PM 4: 03

USPTO RECEIPTS ACCOUNTING DIVISION
Page 2 of 3

Attorney Docket No.17823US02

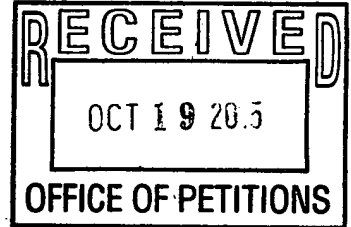
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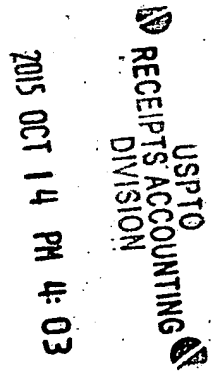
Respectfully submitted,

Dated: October 9, 2015

/George Wheeler/
George Wheeler
Reg. No. 28,766
Attorney for Applicants



McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
34th Floor
Chicago, Illinois 60661
Telephone (312) 775-8000
Facsimile (312) 775-8100



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600 WEST MADISON STREET 34TH FLOOR CHICAGO IL INDIAN 60661
(T) 312 775 8000 (F) 312 775 8100 www.mcandrews-lp.com

fax
confidential

to:	USPTO - ATTN: Office of Petitions	
from:	George Wheeler	
date:	October 9, 2015	user ID: 8115
client:	02197	
matter:	17823US02	
fax number:	(571) 273-8300	
number of pages including cover page:	4	

notes/comments:

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UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:
Jean-Pierre Giraud

Serial No.: 12/398,475

Filed or 371(c) Date: March 5, 2009

For: NON-ROUND MOISTURE-TIGHT
RE-SEALABLE CONTAINERS
WITH ROUND SEALING
SURFACES

Examiner: Elizabeth J. Volz

Group Art Unit No.: 3781

Confirmation No.: 1155

Submitted Electronically on
September 4, 2015

NOTIFICATION OF WITHDRAWAL OF SMALL ENTITY STATUS
UNDER 37 CFR § 1.28(c)

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

Sir:

Applicant hereby notifies the Patent and Trademark Office that the above-identified patent application is not entitled to status as a small entity, and that the claim for small entity status is hereby withdrawn.

Accordingly, we now submit a chart itemizing the fee deficiency and calculating the amount owed by Applicant under 37 CFR § 1.28(c)(2)(ii) and the balance due as a large entity.

Fee Code/Name	Accounting Date	Previously Paid at Small Entity Rate	Previously Paid at Large Entity Rate	Large Entity Fee Owed per 37 CFR §1.28(c)(2)(i)	Total Deficiency Owed to Large Entity per 37 CFR §1.28(c)(2)(ii)(C)	Amount charged by USPTO on 01/20/2015 Under Fee code 1461	Amount to be refunded to Applicant
1551 – 3.5 year Patent maintenance fee	07-27-2015	—	\$1,600.00	—	—	—	—
2501 – Utility issue fee	12-20-2011	\$870.00	—	\$960.00	\$90.00	\$205.00	\$125.00
1504 - Publication fee	12-20-2011	\$300.00	—	—	—	—	—
2201 – Independent claims in excess of 3	09-08-2011	\$440.00	—	—	—	—	—
2801 – Request for continued examination	05-03-2011	\$405.00	—	—	—	—	—
1806 – Information disclosure statement	01-20-2011	\$180.00	—	—	—	—	—
1806 – Information disclosure statement	11-23-2010	\$180.00	—	—	—	—	—
8021 – Recording patent assignment	09-04-2009	\$40.00	—	—	—	—	—
1011 – Basic filing fee	06-11-2009	—	(\$330.00)	—	—	—	—
1111 – Utility search fee	06-11-2009	—	(\$540.00)	—	—	—	—
1311 – Utility examination fee	06-11-2009	—	(\$220.00)	—	—	—	—

1202 – Claims in excess of 20	06-11-2009	—	(\$104.00)	—	—	—	—
4011 – Basic filing fee	06-11-2009	\$82.00	—	—	—	—	—
2111 – Utility Search fee	06-11-2009	\$270.00	—	—	—	—	—
2311 – Utility examination fee	06-11-2009	\$110.00	—	—	—	—	—
2202 – Claims in excess of 20	06-11-2009	\$52.00	—	—	—	—	—
2051 – Late filing fee for oath or declaration	06-08-2009	\$65.00	—	—	—	—	—
2251 – 1 month extension of time	06-08-2009	\$65.00	—	—	—	—	—
8021 – Recording patent assignment	05-28-2009	\$40.00	—	—	—	—	—
1011 – Utility application fee	03-06-2009	—	\$330.00	—	—	—	—
1111 – Utility search fee	03-06-2009	—	\$540.00	—	—	—	—
1311 – Utility examination fee	03-06-2009	—	\$220.00	—	—	—	—
1202 – Claims in excess of 20	03-06-2009	—	\$104.00	—	—	—	—

The delay in payment of fees at the large entity rate was unintentional.

Please also charge any additional fees presently required or credit any overpayment to Deposit Account No. 13-0017.

Respectfully submitted,

Dated: September 4, 2015

/George Wheeler/
George Wheeler
Reg. No. 28,766
Attorney for Applicants

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34th Floor
Chicago, Illinois 60661
Telephone (312) 775-8000
Facsimile (312) 775-8100

Electronic Acknowledgement Receipt

EFS ID:	23412420
Application Number:	12398475
International Application Number:	
Confirmation Number:	1155
Title of Invention:	NON-ROUND MOISTURE-TIGHT RE-SEALABLE CONTAINERS WITH ROUND SEALING SURFACES
First Named Inventor/Applicant Name:	Jean-Pierre Giraud
Customer Number:	23446
Filer:	George F. Wheeler/Deb Wilson
Filer Authorized By:	George F. Wheeler
Attorney Docket Number:	17823US02
Receipt Date:	04-SEP-2015
Filing Date:	05-MAR-2009
Time Stamp:	15:46:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notification of loss of entitlement to small entity status	17823US02_Withdraw_Small_Entity_Status_150904.pdf	31448 8c8139f77d260a44fa54ba5c7d6cec050e80656f	no	4

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

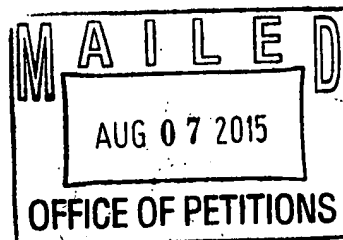
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661



In re Patent No: 8,100,288
Issue Date: January 24, 2012
Application No. 12/398,475
Filed: March 05, 2009
Attorney Docket No. 17823US02

NOTICE

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 37 CFR 1.28(c) filed January 09, 2015.

There is no indication that the request is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. George Wheeler appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

The request is **DISMISSED**.

It is noted that an itemization of the fee deficiency was submitted; however, the calculation of the deficiency owed is not in compliance with the requirements of 37 CFR 1.28(c)(2)(i), which reads:

(i) *Calculation of the deficiency owed.* The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;” Emphasis added

37 CFR 1.28(c)(2)(ii) goes on to say:

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

- (A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
- (B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;
- (C) The deficiency owed amount (for each fee erroneously paid); and
- (D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Applicant is given **ONE MONTH** or **THIRTY DAYS**, whichever is longer, from the mailing date of this decision to submit the fees required pursuant to 37 CFR 1.28(2)(i) and a replacement itemized listing of each fee erroneously paid as a small entity in compliance with 37 CFR 1.28(c)(2)(ii). **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.**

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

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

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

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

By Internet: EFS-Web¹

Any questions concerning this matter may be directed to Tonya McBride at (571) 272-6609.

Andrea Smith
Andrea Smith
Lead Paralegal Specialist
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)

UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 17823US02

In the Application of:
Jean-Pierre Giraud

Serial No.: 12/398,475

Filed or 371(c) Date: March 5, 2009

Submitted Electronically on
January 9, 2015

For: NON-ROUND MOISTURE-
TIGHT RE-SEALABLE
CONTAINERS WITH ROUND
SEALING SURFACES

Examiner: Elizabeth J. Volz

Group Art Unit No.: 3781

Confirmation No.: 1155

NOTIFICATION OF WITHDRAWAL OF SMALL ENTITY STATUS
UNDER 37 CFR § 1.28(c)

Commissioner for Patents
P.O. Box 1450
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Sir:

Applicant hereby notifies the Patent and Trademark Office that the above-identified patent application is not entitled to status as a small entity, and that the claim for small entity status is hereby withdrawn.

Accordingly, we now submit a chart indicating the fees previously paid as a small entity under 37 CFR § 1.28(c) and the balance due as a large entity.

Fee Code/Name	Small Entity Fee Paid	Large Entity Fee Owed	Amount Due to Update Fee Payment to Large Entity (i.e. large entity fee minus small entity fee already paid)
1501 – Utility Issue Fee	755.00	960.00	205.00
		<u>Total to be paid</u>	<u>205.00</u>

The delay in payment of fees at the large entity rate was unintentional. Please charge the amount due to update these fees to Deposit Account No. 13-0017.

Please also charge any additional fees presently required or credit any overpayment to Deposit Account No. 13-0017.

Respectfully submitted,

Dated: January 9, 2015

/George Wheeler/
George Wheeler
Reg. No. 28,766
Attorney for Applicants

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Chicago, Illinois 60661
Telephone (312) 775-8000
Facsimile (312) 775-8100

Electronic Acknowledgement Receipt

EFS ID:	21174106
Application Number:	12398475
International Application Number:	
Confirmation Number:	1155
Title of Invention:	NON-ROUND MOISTURE-TIGHT RE-SEALABLE CONTAINERS WITH ROUND SEALING SURFACES
First Named Inventor/Applicant Name:	Jean-Pierre Giraud
Customer Number:	23446
Filer:	George F. Wheeler
Filer Authorized By:	
Attorney Docket Number:	17823US02
Receipt Date:	09-JAN-2015
Filing Date:	05-MAR-2009
Time Stamp:	17:26:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notification of loss of entitlement to small entity status	17823US02_Withdraw_Small_Entity_Status.pdf	42874 <small>784fd2d73c3d51e335ca8c230e7c29c15a6b7ff</small>	no	2

Warnings:

Information:

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National Stage of an International Application under 35 U.S.C. 371

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New International Application Filed with the USPTO as a Receiving Office

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UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 17823US02

In the Application of:
Jean-Pierre Giraud

Serial No.: 12/398,475

Filed or 371(c) Date: March 5, 2009

For: NON-ROUND MOISTURE-
TIGHT RE-SEALABLE
CONTAINERS WITH ROUND
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01/20/2015 DALLEN 00000006 130017 12398475
01 FC:1461 205.00 DA

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