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In re Patent No. 9,068,212 :
Tabuchi et al. : DECISION ON REQUEST
Issue Date: 06/30/2015 : FOR RECONSIDERATION OF
Application No. 12/734,283 : PATENT TERM ADJUSTMENT
Filed: 04/22/2010 :
Attorney Docket No: :
0833531-0108 :

This is a decision on the “REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT UNDER 37 C.F.R. §1.705(d),” filed on July 10, 2015, which is considered as a request for reconsideration under § 1.705(b) in which patentees request that the patent term adjustment indicated on the face of the Letters of Patent be corrected from zero (0) days to three hundred sixty-nine (369) days.

The request for reconsideration is granted to the extent that the determination has been reconsidered; however, the request for reconsideration of patent term adjustment is **DENIED** with respect to making any change in the patent adjustment determination under 35 U.S.C. 154(b) of 0 days. This decision is the Director’s decision on the applicant’s request for reconsideration for purposes of seeking judicial review under 35 U.S.C. § 154(b)(4).

BACKGROUND

On June 30, 2015, the above-identified application matured into U.S. Patent No. 9,068,212, with a patent term adjustment of 0 days.

On July 10, 2015, the subject request for reconsideration was filed. Patentee asserts that the reduction of 0 days is incorrect. Specifically, patentee asserts that the reduction of 472 days for an Information Disclosure Statement (IDS) filed on September 19, 2013, 472 days after the date a Request for Continued Examination (RCE) was filed on June 4, 2012 is in error. Patentee states that no reduction is due under § 1.704(c)(6) for a preliminary amendment or other preliminary paper submitted less than one month before the mailing of an Office action because the IDS was not filed less than one month before the mailing of an Office action. Patentee further avers that no reduction is due under 1.704(c)(8) for a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, that is filed after a reply has been filed because the IDS filed on September 19, 2013 was not a supplemental paper, but was made in a independent effort to comply with the duty of disclosure.