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AUG 16 2011

OFFICE OF PETITIONS

In re Application of :
Connie Rutledge et al. :
Application No. 61/490,516 : **DECISION ON PETITION**
Filed: May 26, 2011 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.59(b), filed July 20, 2011, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the original Application Data Sheet (ADS) be expunged from the record.

However, 37 CFR 1.59(a)(2) states:

Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

Accordingly, the original ADS will not be expunged from the record pursuant to 37 CFR 1.59(b) even though it was allegedly mistakenly filed. Moreover, petitioner has not established that an extraordinary situation exists in which justice requires the requested expungement pursuant to a waiver of 37 CFR 1.59(a)(2) under 37 CFR 1.183, as discussed in MPEP 724.05 IV.

The ADS filed with the application sets forth the inventorship of the provisional application. Petitioner needs to file a petition to correct inventorship under 37 CFR 1.48 if the inventorship set forth in the May 26, 2011 ADS is not correct.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

ADAMS MONAHAN, LLP

July 20, 2011

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

Re: Petition to Expunge Information or Copy of Papers in Application File – 37 CFR 1.59(b)

Application No.: 61/490,516
Title: Elastic Finger Strap and Surface Mount for Electronic Device
Filing Date: 26 May 2011

To the OFFICE OF PETITIONS:

On May 26, 2011, provisional patent application number 61/490,516 was filed with the United States Patent and Trademark Office. The provisional application included an Application Data Sheet erroneously listing Connie Rutledge as first-named inventor and Johnny Murphy as second-named inventor. A corrected Application Data Sheet was filed with the United States Patent and Trademark Office Patent Technology Center via facsimile transmittal on May 27, 2011, listing only Johnny Murphy as the sole inventor.

The incorrect information listing Connie Rutledge as an inventor was unintentionally submitted with the application and follows the provisions of MPEP § 724.05, II. No patent has yet been issued on this application; the applicant would be harmed if the original Application Data Sheet is kept on file by not receiving the full benefit of being sole inventor of the aforementioned patent application; the information that Applicant is requesting be expunged is not material to patentability; and the \$200 fee is included with this petition, as set forth in 37 CFR 1.17(g).

For the aforementioned reasons, Applicant respectfully requests that the originally submitted Application Data Sheet be expunged from the provisional application and replaced by the corrected Application Data Sheet, pursuant to 37 CFR 1.59(b).

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted

Connie Rutledge & Johnny Murphy

By their attorneys,



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July 20, 2011
Date