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August 3, 2016

Renewed Request for Petition for Unintentional Delayed Claim of Priority

To Whom It May Concern:

The above application has issued as Patent No. 9,282,396. It was brought to my attention that domestic priority had not been perfected on the Application Data Sheet on January 22, 2016 and a replacement ADS was requested and submitted on February 2, 2016. The specification of this application clearly states priority and history, and the filing date should be corrected to December 21, 2001. A first Petition for Unintentionally Delayed Claim for Priority was submitted on March 2, 2016. That petition was dismissed on July 15, 2016 for an improper claim of priority. It is believed that the current submission contains a corrected Application Data Sheet in accordance with 37 CFR 1.78

The delay in perfecting this claim for priority was entirely unintentional. Thus, it is respectfully requested that this Renewed Petition for Unintentionally Delayed Claim for Priority, in response to the dismissal issued on July 15 now be allowed under 37 CFR 1.78. A copy of the corrected ADS, as well as a request for a Certificate of Correction are filed herewith. No fee for the Petition is submitted, as this fee has been paid, the fee for the Certificate of Correction is submitted herewith.

Please do not hesitate to contact me with any questions or concerns.

August 3, 2016

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Megan E. Lyman".

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/775,754	02/25/2013	C. Earl Woolfork	1028.7	1030
68533	7590	07/15/2016	EXAMINER	
MEGAN LYMAN 1816 SILVER MIST CT. RALEIGH, NC 27613			FLANDERS, ANDREW C	
			ART UNIT	PAPER NUMBER
			2656	
			NOTIFICATION DATE	DELIVERY MODE
			07/15/2016	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MELYMAN@LYMANPATENTS.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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In re Patent No. 9,282,396 :
Issue Date: March 8, 2016 :
Application No. 13/775,754 : DECISION ON PETITION
Filed: February 25, 2013 : UNDER 37 CFR 1.78(e)
Patentee(s): C. Earl Woolfork :

This is a decision on the petition, filed March 2, 2016, which is being treated a petition under 37 CFR § 1.78(e), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the Application Data Sheet (ADS) filed May 24, 2016.

The petition is **dismissed**.

A petition for acceptance of a claim for late priority under 37 CFR § 1.78(e) is only applicable to those applications filed after the expiration of the period specified in 37 CFR § 1.78(d)(3). In addition, the petition under 37 CFR § 1.78(e) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(d)(2) of the prior-filed application, which must be filed in an Application Data Sheet, unless previously submitted;
- (2) the petition fee set forth in § 1.17(m); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(d)(3) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1). In this regard, since the application has issued as patent, a petition under 37 CFR 1.78(e), along with the submission of a Certificate of Correction, would be the appropriate avenue of relief to accept a late claim for the benefit of priority to the prior-filed nonprovisional applications. *See* MPEP 1481.03.

If applicant desires to add the claim for priority on the front page of the Letters Patent, by way of a Certificate of Correction, then petitioner must submit (1) a renewed petition under 37 CFR 1.78(e), no further petition fee required; and (2) a Request for a Certificate of Correction (Form No. PTO/SB/44), including the \$100 fee.

Art Unit: OPET

Additionally, the ADS filed May 24, 2015 is improper. Specifically, the filing date, patent number and issue date of each prior-filed application listed is wrong. Also, the continuity type and prior application number of 10/027,391 is missing, and as stated above, the filing date listed for Application No. 10/027,391 is wrong.

In view of the above, the present petition cannot be granted at this time.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(e) and an ADS (complying with the provisions of 37 CFR 1.76(b)(5) and 37 CFR 1.76(c)) to correct the above matter is required.

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 undersigned at (571) 272-3226.

/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)