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Knobbe, Martens, Olson & Bear, LLP			KNAUSS, CHRISTIAN D	
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**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.

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In re Patent No. 11,865,287

Issue Date: 9 Jan 2024

Application No. 18/094,884

Filing or 371(c) Date: 9 Jan 2023

Attorney Docket No. EDGE.005C10

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DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.78(e), filed April 8, 2024, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed nonprovisional applications listed in the application data sheet (ADS), filed March 12, 2024. In addition, this decision addresses the petition under 37 CFR 1.182, filed April 8, 2024, to expedite consideration of the aforementioned delayed benefit petition.<sup>1</sup>

The petition under 37 CFR 1.182 is **GRANTED**. The petition under 37 CFR 1.78 (e), filed April 8, 2024, is being taken up for consideration on an expedited basis.

The petition under 37 CFR 1.78(e) is **GRANTED**.

The present application matured into U.S. Patent No. 11,865,287 on January 9, 2024.

Under certain conditions as specified below, a Certificate of Correction can be used to correct:

- (A) the failure to make reference to a prior application; or
- (B) an incorrect reference to a prior application.

The following conditions must be satisfied:

- (A) all requirements set forth in 37 CFR 1.78(a)(1) must have been met in the application which became the patent to be corrected;
- (B) it must be clear from the record of the patent and the parent application(s) that priority is appropriate (see MPEP § 211et seq.); and
- (C) a grantable petition to accept an unintentionally delayed claim for the benefit of a prior application must be filed.

<sup>1</sup> The Office acknowledges receipt of the required \$420 petition fee.

If all the above-stated conditions are satisfied, a Certificate of Correction can be used to amend the patent to make reference to a prior application, or to correct an incorrect reference to a prior application.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(e) is only applicable to those applications in which a proper benefit claim is 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 ADS, 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 where there is a question whether the delay was unintentional.

On March 12, 2024, petitioner filed a corrected ADS in compliance with 37 CFR 1.76(c) listing a proper reference, the \$2100 petition fee, and an acceptable draft an acceptable 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. On April 8, 2024, petitioner filed a certificate of correction correcting (63) Related U.S. Application Data on the front page of the Letters Patent and a \$160 certificate of correction fee. As petitioner states in the March 12, 2024 petition, the Reference to Related Applications in column 1 of the patent recites the proper benefit information.

As the petitions of record satisfy the requirements to add or correct a reference to the prior-filed nonprovisional applications in a patent via a certificate of correction, the Office accepts the benefit claim under 35 U.S.C. 120 as unintentionally delayed. Therefore, it is appropriate for petitioner to add the claim under 35 U.S.C. 120 for benefit of the prior-filed nonprovisional applications via certificate of correction.

A replacement filing receipt, which includes the claim for benefit of the prior-filed nonprovisional applications will be mailed separately.

Petitioner is advised that this decision grants the petition to accept the unintentionally delayed domestic benefit claim to the prior filed applications because the petition requirements of 37 CFR 1.78 and the formal requirements for claiming domestic benefit (*see* MPEP 211.01 et. seq.) have been met. This acceptance should not be construed as meaning that any claim in this patent is entitled to the benefit of the prior-filed applications. *See* MPEP 211.05 for more information regarding entitlement to domestic benefit.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction, in accordance with this decision.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230.

/SHIRENE W BRANTLEY/  
Attorney Advisor, OPET