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Attorney's Docket No. 902-585

PATENT

65431 U.S. PTO
60/052140
07/10/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Etienne Vanzielegem et al
MULTI-CARRIER TELECOMMUNICATION SYSTEM
For: WITH POWER ADAPTATION MEANS
Box Provisional Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

COVER SHEET FOR FILING PROVISIONAL APPLICATION
(37 C.F.R. § 1.51(2)(i))

- WARNING:** "A provisional application must also include a cover sheet identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under § 1.53(b)(1)." 37 C.F.R. § 1.53(b)(2)(i).
- NOTE:** "A complete provisional application does not require claims since no examination on the merits will be given to a provisional application. However, provisional applications may be filed with one or more claims as part of the application. Nevertheless, no additional claim fee or multiple dependent claims fee will be required in a provisional application." Notice of December 5, 1994, 59 FR 63951, at 63953.
"Any claim filed with a provisional application will, of course, be considered part of the original provisional application disclosure." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.
- NOTE:** "A provisional application shall not be entitled to the right of priority under § 1.55 or 35 U.S.C. 119 or 365(a) or to the benefit of an earlier filing date under § 1.78 or 35 U.S.C. 120, 121 or 365(c) of any other application." 37 C.F.R. § 1.53(b)(2)(iii).
- NOTE:** "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(2)(b).
"Any information disclosure statements filed in a provisional application would either be returned or disposed of at the convenience of the Office." Notice of December 5, 1994, 59 FR 63591, at 63594.
- NOTE:** "No amendment other than to make the provisional application comply with all applicable regulations, may be made to the provisional application after the filing date of the provisional application." 37 C.F.R. § 1.53(b)(2).

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on July 10, 1997 (date), in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, Mailing Label Number EM537164598IUS addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231

Judith Schick
Signature
Judith Schick
(type or print name of person certifying)

- NOTE:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 C.F.R. 1.10(b))
- WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8(a) cannot be used to obtain a date of mailing or transmission for this correspondence. 37 C.F.R. 1.8(a)(i)(A)

WARNING: A provisional application may be abandoned by operation of 35 U.S.C. 111(b)(5) on a Saturday, Sunday, or Federal holiday within the District of Columbia, in which case, a nonprovisional application claiming benefit of the provisional application under 35 U.S.C. 119(e) must be filed no later than the preceding day that is not a Saturday, Sunday, or Federal holiday within the District of Columbia. Notice of April 14, 1995, 60 Fed. Reg. 20,195 at 20,202.

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 C.F.R. 1.53(b)(2).

1. The following comprises the information required by 37 C.F.R. § 1.51(a)(2)(i)(A):
2. The name(s) of the inventor(s) is/are (37 C.F.R. § 1.51(a)(2)(i)(B)):

NOTE: While the name or names of the inventors are required in order to accord a provisional application a filing date, a provisional application is not required to be signed by the inventor or the assignee. No oath or declaration is required. Presumably, most provisional applications will be filed by a registered practitioner without a power of attorney being filed. Notice of December 5, 1994, 59 FR 63591, at 63594.

NOTE: "The naming of inventors for obtaining a filing date for a provisional application is the same as for other applications. A provisional application filed with the inventors identified as 'Jones et al.' will not be accorded a filing date earlier than the date upon which the name of each inventor is supplied unless a petition with the fee set forth in § 1.17(f) is filed which sets forth the reasons the delay in supplying the names should be excused. Administrative oversight is an acceptable reason. It should be noted that for a 35 U.S.C. 111(a) application to be entitled to claim the benefit of the filing date of a provisional application the 35 U.S.C. 111(a)[.] application must have at least one inventor in common with the provisional application." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

The term "invention" is typically used to refer to subject matter which applicant is claiming in his/her application. Because claims are not required in a provisional application, it would not be appropriate to reference joint inventors as those who have made a contribution to the "invention" disclosed in the provisional application. If the "invention" has not been determined in the provisional application because no claims have been presented, then the name(s) of those person(s) who have made a contribution to the subject matter disclosed in the provisional application should be submitted. Section 1.45(c) states that "if multiple inventors are named in a provisional application, each named inventor must have made a contribution, individually or jointly, to the subject matter disclosed in the provisional application." All that § 1.45(c) requires is that if someone is named as an inventor, that person must have made a contribution to the subject matter disclosed in the provisional application. When applicant has determined what the invention is by the filing of the 35 U.S.C. 111(a) application, that is the time when the correct inventors must be named. The 35 U.S.C. 111(a) application must have an inventor in common with the provisional application in order for the 35 U.S.C. 111(a) application to be entitled to claim the benefit of the provisional application under 35 U.S.C. 119(e). Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,208.

"If all the names of the actual inventor or inventors are not supplied when the specification and any required drawings are filed, the provisional application will not be given a filing date earlier than the date upon which the names are supplied unless a petition, with the fee set forth in § 1.17(q), is filed, which sets forth that the reasons for the delay in supplying the names should be excused." 37 C.F.R. § 1.53(b)(2).

| | | | |
|----|------------|------------------------|-----------------------|
| 1. | Etienne | | Vanzieleghem |
| | GIVEN NAME | MIDDLE INITIAL OR NAME | FAMILY (OR LAST) NAME |
| 2. | Frank | C.M. | Defoort |
| | GIVEN NAME | MIDDLE INITIAL OR NAME | FAMILY (OR LAST) NAME |
| 3. | Peter | P.F. | Reusens |
| | GIVEN NAME | MIDDLE INITIAL OR NAME | FAMILY (OR LAST) NAME |

3. Address(es) of the inventor(s), as numbered above (37 C.F.R. § 1.51(a)(2)(i)(C)):

1. Rue du Cochige 1, B-1360 Perwez, Belgium

2. Beukenhoflaan 88 Bus 2, B-2630 Aartselaar, Belgium

3. Warande 121, B-9270 Laarne, Belgium

4. The title of the invention is (37 C.F.R. § 1.51(a)(2)(i)(D)):

MULTI-CARRIER TELECOMMUNICATION SYSTEM WITH POWER
ADAPTATION MEANS

5. The name, registration, and telephone number of the attorney (if applicable) is (37 C.F.R. § 1.51(a)(2)(i)(E)):

Name of attorney: Francis J. Maguire

Reg. No. 31,391 Tel. (203) 261-1234

(complete the following, if applicable)

A power of attorney accompanies this cover sheet.

6. The docket number used to identify this application is (37 C.F.R. § 1.51(a)(2)(i)(F)):

Docket No.: 902-585

7. The correspondence address for this application is (37 C.F.R. § 1.51(a)(2)(i)(G)):

Ware, Fressola, Van Der Sluys & Adolphson LLP

755 Main Street, P.O. Box 224, Monroe, Connecticut 06468

8. Statement as to whether invention was made by an agency of the U.S. Government or under contract with an agency of the U.S. Government.

(37 C.F.R. § 1.51(a)(2)(i)(H))

This invention was made by an agency of the United States Government, or under contract with an agency of the United States Government.

No.

Yes.

The name of the U.S. Government agency and the Government contract number are: _____

(Cover Sheet for Filing Provisional Application [23-1]—page 3 of 5)

9. Identification of documents accompanying this cover sheet:

A. Documents required by 37 C.F.R. §§ (a)(2)(ii)-(iii):

Specification: No. of pages 13

Drawings: No. of sheets 3

B. Additional documents:

Claims: No. of claims 13

Note: A complete provisional application does not require claims. 37 C.F.R. § 1.51(a)(2).

- Power of attorney
- Small entity statement
- Assignment
- Other

NOTE: Provisional applications may be filed in a language other than English as set forth in existing § 1.52(d). However, an English language translation is necessary for security screening purposes. Therefore, the PTO will require the English language translation and payment of the fee mandated in § 1.52(d) in the provisional application. Failure to timely submit the translation in response to a PTO requirement will result in the abandonment of the provisional application. If a 35 U.S.C. 111(a) application is filed without providing the English language translation in the provisional application, the English language translation will be required to be supplied in every 34 U.S.C. 111(a) application claiming priority of the non-English language provisional application. Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

10. Fee

The filing fee for this provisional application, as set in 37 C.F.R. § 1.16(k), is \$150.00, for other than a small entity, and \$75.00, for a small entity.

- Applicant is a small entity.

NOTE: "A verified statement in compliance with existing § 1.27 is required to be filed in each provisional application in which it is desired to pay reduced fees." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,197.

11. Small entity statement

- The verified statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is(are) attached.

12. Fee payment being made at this time

- Not enclosed
 - No filing fee is to be paid at this time. (This and the surcharge required by 37 C.F.R. § 1.16(l) can be paid subsequently).
- Enclosed

Total fee enclosed \$ 150.00

13. Method of fee payment

Check in the amount of \$ 150.00

Charge Account No. _____, in the amount of \$ _____

A duplicate of this Cover Sheet is attached.

Please charge Account No. 23-0442 for any fee deficiency.

Date: _____

Tel.: ()

Date: 8 July 97

Reg. No.: 31,391

Tel.: (203) 261-1234

Signature of submitter

OR

Francis Maguire
Signature of attorney

Francis J. Maguire

(type or print name of attorney)

Ware, Fressola, Van Der Sluys
& Adolphson LLP

P.O. Address

755 Main Street, P.O. Box 224
Monroe, Connecticut 06468

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