

# EXHIBIT 5

18334 U.S. PTO  
091605

PATENT  
Customer Number 22,852  
Attorney Docket No. 9140.0016-02

113255 U.S. PTO  
11/228834  
091605

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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

Prior Application Art Unit: 2823      Prior Application Examiner: ESTRADA, Michelle

SIR: This is a request for filing a

Continuation    Continuation-in-Part    Divisional Application under 37 C.F.R. § 1.53(b)  
of pending prior Application No. 10/101,863 filed March 16, 2002, of Hongmei ZHANG,  
Mukundan NARASINHAN, Ravi B. MULLAPUDI, and Richard E. DEMARAY for BIASED  
PULSE DC REACTIVE SPUTTERING OF OXIDE FILMS.

1.        Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior Application No. 10/101,863 as originally filed on March 16, 2002, which is incorporated herein by reference.
2.        A Preliminary Amendment is enclosed.
3.        The filing fee is calculated on the basis of the claims existing in the prior application as amended in the Preliminary Amendment filed herewith.

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Basic Utility Application Filing Fee					\$300	\$ 300.00
Search Fee					\$500	500.00
Examination Fee					\$200	200.00
	Number of Claims		Basic	Extra		
Total Claims	7	-	20	0	x \$ 50	0
Independent Claims	2	-	3	0	x \$200	0
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+ \$360	0
Total Application Pages (specification, drawings, and printed sequence or computer listing)	66	If over 100 pages, add \$250 for each additional 50 pages or fraction thereof.				0
Subtotal						\$ 1,000.00
Reduction by 1/2 if small entity						- 0
<b>TOTAL APPLICATION FILING FEE</b>						<b>\$ 1,000.00</b>

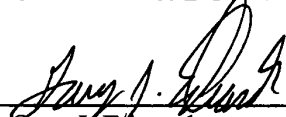
4.  The Commissioner is hereby authorized to charge the fee of \$1,000.00 to Deposit Account No. 06-0916.
5.  The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
6.  The prior application is assigned of record to: Symmorphix, Inc.
7.  The power of attorney in the prior application is to FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Customer No. 22,852
8.  Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
9.  Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., **Customer Number 22,852.**
10.  Also enclosed are an Information Disclosure Statement, Form PTO/SB/08, and one cited reference.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 10/101,863, filed March 16, 2002, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 16, 2005

By: \_\_\_\_\_

  
Gary J. Edwards  
Reg. No. 41,008

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER L.L.P.  
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