

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Pirim	Docket No.:	8042-2-1
Application No.:	11/676,926	Examiner:	Seth MANAV
Patent No.:	7,650,015	Art Unit:	2624
Filed:	02-20-2007	Confirmation No.:	9051

For: IMAGE PROCESSING METHOD

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

FOURTH REQUEST FOR RECONSIDERATION OF PETITION DECISION

Sir:

This is in response to the Petition decision mailed March 9, 2015. Please reconsider the decision in view of the following remarks.

The decision states:

37 CFR 1.78(a)(3)

The above-captioned U.S. patent issued from an application filed after November 29, 2000, and the corrected benefit claim under 35 U.S.C. 120 is submitted after the expiration of the time period specified in 37 CFR 1.78(a)(2)(ii). Under the circumstances present here, the petition is properly considered under 37 CFR 1.78(a)(3). See MPEP section 1481.03.

A grantable petition under 37 CFR 1.78(a)(3) must be accompanied by the following:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Item (1): With regard to Item (1) the decision states the Application Data Sheet filed on November 24, 2014 does not comply with 37 CFR 1.76(c)(2) allegedly because it is not entitled "Supplemental Application Data Sheet" and does not identify the information that is being changed, preferably with underlining for insertions and strike-through or brackets for text removed.

Applicant submits herewith a Marked-up Supplemental Application Data Sheet in the format as originally filed identifying information being changed, a Marked-up Supplemental Application Data Sheet PTO form identifying information being changed and a Clean Application Data Sheet PTO form.

Item (2): With regard to item (2), the decision states the surcharge set forth has been previously submitted.

Item (3): With regard to item (3), the prior Request for Reconsideration states, "The entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional." This remains true. The entire delay between the date the claim was due and the filing of this petition was unintentional.

The decision states the statement previously submitted of unintentional delay is acceptable.

37 CFR 1.55(c)

The above-captioned U.S. patent issued from an application filed after November 29, 2000, and the foreign priority claim under 35 U.S.C. 119(a)-(d) or 365(a) directed to French application number FR 9609420 was not submitted prior to the expiration of the time period specified in 37 CFR 1.55(a)(1). Accordingly, this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A grantable petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for foreign priority requires the following:

- (1) the claim under 35 U.S.C. 119(a)-(d) or 365(a) and this section to the prior foreign application, unless previously submitted;
- (2) the surcharge as set forth in 37 CFR 1.17(t);
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional.

Item (1): With regard to Item (1) the decision states the Application Data Sheet filed on November 24, 2014 does not comply with 37 CFR 1.76(c)(2) allegedly because it is not entitled "Supplemental Application Data Sheet" and does not identify the information that is being changed, preferably with underlining for insertions and strike-through or brackets for text removed.

Applicant submits herewith a Marked-up Supplemental Application Data Sheet in the format as originally filed identifying information being changed, a Marked-up Supplemental Application Data Sheet PTO form identifying information being changed and a Clean Application Data Sheet PTO form.

Item (2): With regard to item (2), the decision states the surcharge set forth has been previously submitted.

Item (3): With regard to item (3), the prior Request for Reconsideration states, "The entire delay between the date the claim was due under 37 CFR

1.55(a)(1) and the date the claim was filed was unintentional.” This remains true. The entire delay between the date the claim was due and the filing of this petition was unintentional.

The decision states the statement previously submitted of unintentional delay is acceptable.

No additional surcharge should be owed, but the Director is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account 14-1437. Please credit any excess fees to such account.

Respectfully submitted,
NOVAK DRUCE + QUIGG, LLP

/Michael P. Byrne/

Date: March 17, 2015

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