

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David GRUZMAN, et al.

Group Art Unit: 2435

Serial No.: 12/814,584

Examiner: Ponnoreay Pich

Filed: June 14, 2010

Patent No.: 8,141,154

Issued: March 20, 2012

For: SYSTEM AND METHOD FOR INSPECTING DYNAMICALLY GENERATED
EXECUTABLE CODE**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM OF
PRIORITY UNDER 35 U.S.C. §120 FOR THE BENEFIT OF A
PRIOR-FILED APPLICATION FILED UNDER 37 C.F.R. §1.78(a)(3)**

Mail Stop OFFICE OF PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Assignee respectfully submits this Petition for acceptance of an unintentionally delayed claim of priority under 35 U.S.C. §120 for the benefit of a prior-filed application in the above-referenced patent. In conjunction with this Petition, Assignee submits an Amendment to the Specification, and provides for payment of the required fees under 37 C.F.R. §1.17(t) (\$1,420). The Assignee is also submitting a Request for Reconsideration of Certificate of Correction, which was originally filed on September 19, 2013, requesting correction of the priority information on the front of the patent and also the correction of the specification to include the priority information, and provides for payment of the required fee under 37 C.F.R. §1.20(a) (\$100). The application as originally filed included the priority information on the Utility Patent Application Transmittal letter filed with the application on June 14, 2010. Further, the priority information is accurately reflected in the filing receipt mailed June 24, 2010.

Assignee understands that a petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). Assignee understands that the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

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

The correction of the priority claim of the present patent is made to complete the priority claim to include a specific reference to benefit of U.S. Application Serial No. 11/298,475, filed December 12, 2005, now U.S. Patent No. 7,757,289, issued July 13, 2010, which claim was cited in the transmittal letter and filing receipt of this application/patent. This request is made after the expiration of the period specific in 37 C.F.R. §1.78(a)(2)(ii).

In accordance with 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i), the following amendment to the specification of the present application which adds a reference to the benefit of priority to U.S. Application Serial No. 11/298,475, filed December 12, 2005, now U.S. Patent No. 7,757,289, is submitted in conjunction with this Petition in a separate amendment filed herewith:

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a divisional of and claims priority to U.S. Patent Application Serial No. 11/298,475, filed December 12, 2005, entitled "System and Method For Inspecting Dynamically Generated Executable Code," now U.S. Patent No. 7,757,289.

In accordance with 37 C.F.R. §1.78(a)(2)(i), the amendment identifies the prior filed application by application number and indicates the relationship of the application.

It is submitted that the entire delay between the date the priority claim was due and the date that this petition with priority claim added to the specification is filed was unintentional.

Payment of \$1,420 fee as required under 37 C.F.R. §1.17(t) and fee of \$100 as required under 37 C.F.R. §1.20(a) is provided electronically via EFS-Web with this Petition. The Commissioner is authorized to charge any additional fees due to Deposit Account No. 50-6099.

Assignee submits that this request, the amendment to the specification, and the Request for Reconsideration of Certificate of Correction are diligently made to correct the record of the present application and accurately reflect the priority information on the face of United States Patent No. 8,141,154. Granting of this Petition is respectfully requested.

Respectfully submitted,

Date: October 16, 2013

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