

**CERTIFICATION AND REQUEST FOR PRIORITIZED EXAMINATION
UNDER 37 CFR 1.102(e) (Page 1 of 1)**

First Named Inventor:	McNamara	Nonprovisional Application Number (if known):	
Title of Invention:	Methods and Systems for Adjusting Power Consumption based on Fixed-Duration Power Option Agreement		

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS PRIORITIZED EXAMINATION FOR THE ABOVE-IDENTIFIED APPLICATION.

1. The processing fee set forth in 37 CFR 1.17(i)(1) and the prioritized examination fee set forth in 37 CFR 1.17(c) have been filed with the request. The publication fee requirement is met because that fee, set forth in 37 CFR 1.18(d), is currently \$0. The basic filing fee, search fee, and examination fee are filed with the request or have been already been paid. I understand that any required excess claims fees or application size fee must be paid for the application.
2. I understand that the application may not contain, or be amended to contain, more than four independent claims, more than thirty total claims, or any multiple dependent claims, and that any request for an extension of time will cause an outstanding Track I request to be dismissed.
3. The applicable box is checked below:

I. ☒ Original Application (Track One) - Prioritized Examination under § 1.102(e)(1)

- i. (a) The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a). This certification and request is being filed with the utility application via EFS-Web.
---OR---
(b) The application is an original nonprovisional plant application filed under 35 U.S.C. 111(a). This certification and request is being filed with the plant application in paper.
- ii. An executed inventor's oath or declaration under 37 CFR 1.63 or 37 CFR 1.64 for each inventor, or the application data sheet meeting the conditions specified in 37 CFR 1.53(f)(3)(i) is filed with the application.

II. ☐ Request for Continued Examination - Prioritized Examination under § 1.102(e)(2)

- i. A request for continued examination has been filed with, or prior to, this form.
- ii. If the application is a utility application, this certification and request is being filed via EFS-Web.
- iii. The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a), or is a national stage entry under 35 U.S.C. 371.
- iv. This certification and request is being filed prior to the mailing of a first Office action responsive to the request for continued examination.
- v. No prior request for continued examination has been granted prioritized examination status under 37 CFR 1.102(e)(2).

Signature <u>/Alexander D. Georges/</u>	Date <u>December 4, 2019</u>
Name (Print/Typed) <u>Alexander D. Georges</u>	Practitioner Registration Number <u>70,534</u>

Note: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required.*

☐ *Total of _____ forms are submitted.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/702,931	12/04/2019	Michael T. McNamara	19-2071-US	2690
20306	7590	12/30/2019	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP				
300 S. WACKER DRIVE				
32ND FLOOR				
CHICAGO, IL 60606				
			ART UNIT	PAPER NUMBER
			2631	
			MAIL DATE	DELIVERY MODE
			12/30/2019	PAPER

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.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		16702931
	Filing Date		2019-12-04
	First Named Inventor	Michael T. McNamara	
	Art Unit	2631	
	Examiner Name	TBD	
	Attorney Docket Number	19-2071	

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6288456		2001-09-11	CRATTY; William E.	
	2	6633823		2003-10-14	BARTONE; Erik J. et al.	
	3	7143300		2006-11-28	POTTER; Mark R. et al.	
	4	7647516		2010-01-12	RANGANATHAN; Parthasarathy et al.	
	5	7702931		2010-04-20	GOODRUM; Alan L. et al.	
	6	7779276		2010-08-17	BOLAN; Joseph Edward et al.	
	7	7861102		2010-12-28	RANGANATHAN; Parthasarathy et al.	
	8	7921315		2011-04-05	LANGGOOD; John K. et al.	

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9	7970561		2011-06-28	PFEIFFER; Clemens	
10	8001403		2011-08-16	HAMILTON; James R. et al.	
11	8006108		2011-08-23	BREY; Thomas M. et al.	
12	8214843		2012-07-03	BOSS; Gregory J. et al.	
13	8374928		2013-02-12	GOPISETTY; Sandeep et al.	
14	8447993		2013-05-21	GREENE; Daniel H. et al.	
15	8571820		2013-10-29	PFEIFFER; Clemens	
16	8627123		2014-01-07	JAIN; Navendu et al.	
17	8789061		2014-07-22	PAVEL; Milan et al.	
18	8799690		2014-08-05	DAWSON; Christopher J. et al.	
19	9003211		2015-04-07	PFEIFFER; Clemens	

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20	9003216		2015-04-07	SANKAR; Sriram et al.	
21	9026814		2015-05-05	AASHEIM; Jered et al.	
22	9207993		2015-12-08	JAIN; Navendu	
23	9218035		2015-12-22	LI; Tao et al.	
24	9552234		2017-01-24	BOLDYREV; Sergey et al.	
25	10367353		2019-07-30	MCNAMARA; et al.	
26	10367535		2019-07-30	CORSE; Nir et al.	
27	10444818		2019-10-15	MCNAMARA; Michael T. et al.	
28	10452127		2019-10-22	MCNAMARA; Michael T. et al.	
29	10497072		2019-12-03	HOOSHMAND; Ali et al.	

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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20020072868		2002-06-13	BARTONE; Erik J. et al.	
	2	20030074464		2003-04-17	BOHRER; Patrick Joseph et al.	
	3	20060161765		2006-07-20	CROMER; Daryl C. et al.	
	4	20080030078		2008-02-07	WHITTED; William et al.	
	5	20080094797		2008-04-24	COGLITORE; Giovanni et al.	
	6	20090055665		2009-02-26	MAGLIONE; Stephen C. et al.	
	7	20100211810		2010-08-19	ZACHO; Carl Edvard Martin	
	8	20100328849		2010-12-30	EWING; Carrel W. et al.	
	9	20110072289		2011-03-24	KATO; Hideharu	
	10	20120000121		2012-01-05	SWANN; James J.	

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11	20120072745		2012-03-22	AHLUWALIA; Vikas et al.	
12	20120300524		2012-11-29	FORNAGE; Martin et al.	
13	20120324259		2012-12-20	AASHEIM; Jered et al.	
14	20130006401		2013-01-03	SHAN; Xinxin	
15	20130063991		2013-03-14	XIAO; Yuan et al.	
16	20130187464		2013-07-25	SMITH; Mark Berry et al.	
17	20130227139		2013-08-29	SUFFLING; David Robert	
18	20130306276		2013-11-21	DUCHESNEAU; David D.	
19	20140137468		2014-05-22	CHING; Gregory M.	
20	20140379156		2014-12-25	KAMEL; Michel Roger et al.	
21	20150121113		2015-04-30	RAMAMURTHY; Shankar et al.	

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22	20150155712	2015-06-04	MONDAL; Subrata K.
23	20150229227	2015-08-13	AELOIZA; Eddy C. et al.
24	20150277410	2015-10-01	GUPTA; Sandeep et al.
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26	20160170469	2016-06-16	SEHGAL; Naresh K. et al.
27	20160172900	2016-06-16	WELCH JR.; William Douglas
28	20160198656	2016-07-14	MCNAMARA; Brad et al.
29	20160212954	2016-07-28	ARGENTO; Onofrio
30	20160324077	2016-11-10	FRANTZEN; Kohlar T. et al.
31	20170023969	2017-01-26	SHOWS; Thomas Alexander et al.
32	20170104336	2017-04-13	ELBSAT; Mohammad N. et al.

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33	20170261949		2017-09-14	HOFFMANN; Henry et al.	
34	20180144414		2018-05-24	LEE; Ja-Chin Audrey et al.	
35	20180202825		2018-07-19	YOU; Jae Seok et al.	
36	20180240112		2018-08-23	CASTINADO; Joseph B. et al.	
37	20180366978		2018-12-20	MATAN; Stefan et al.	
38	20180367320		2018-12-20	MONTALVO; Rey	
39	20190052094		2019-02-14	PMSVVSV; Prasad et al.	
40	20190168630		2019-06-06	MRLIK; Richard et al.	
41	20190258307		2019-08-22	SHAIKH; Karimulla Raja et al.	
42	20190280521		2019-09-12	LUNDSTROM; Blake Richard et al.	
43	20190318327		2019-10-17	SOWELL; Lawrence et al.	

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44	20190324820	2019-10-24	KRISHNAN; Santhana et al.
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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	103163904	CN	A	2013-06-19	UNIV ZHEJIANG TECHNOLOGY.	English Abstract	
	2	20090012523	KR	A	2009-02-04	PUMPKIN NETWORKS KOREA INC.		×
	3	2015199629	WO	A1	2015-12-30	DOKUZ EYLÜL ÜNİVERSİTESİ REKTÖRLÜĞÜ		☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	BIRD et al., "Wind and Solar Energy Curtailment: Experience and Practices in the United States," National Renewable Energy Lab (NREL), Technical Report NREL/TP-6A20-60983, March 2014, 58 pages.	
	2	EPEX Spot, "How They Occur, What They Mean," https://www.epexspot.com/en/company-info/basics_of_the_power_market/negative_prices , 2018, 2 pages.	
	3	Final Office Action mailed on 01 October 2019 for U.S. Patent Application No. 16/175,246, filed on 30 October 2018, 18 pages.	

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4	GHAMKHARI et al., "Optimal Integration of Renewable Energy Resources in Data Centers with Behind-the-Meter Renewable Generator," Department of Electrical and Computer Engineering Texas Tech University, 2012, pp. 3340-3444.
5	International Search Report and Written Opinion of PCT Application No. PCT/US2018/017955, mailed on 30 April 2018, 22 pages.
6	International Search Report and Written Opinion of PCT Application No. PCT/US2018/017950, mailed on 31 May 2018, 15 pages.
7	Non-Final Office Action mailed on 05 December 2019 for U.S. Patent Application No. 16/529,360, filed on 01 August 2019, 72 pages.
8	Non-Final Office Action mailed on 10 December 2019 for U.S. Patent Application No. 16/596,190, filed on 08 October 2019, 72 pages.
9	Non-Final Office Action mailed on 14 November 2019 for U.S. Patent Application No. 16/132,098, filed on 14 September 2018, 25 pages.
10	Non-Final Office Action mailed on 21 November 2019 for U.S. Patent Application No. 16/529,402, filed on 01 August 2019, 57 pages.
11	Non-Final Office Action mailed 11 December 2019 on for U.S. Patent Application No. 16/132,062, filed on 14 September 2018, 17 pages.
12	Non-Final Office Action mailed on 10 December 2019 for U.S. Patent Application No. 16/528,348, filed on 08 October 2019, 33 pages.
13	Notice of Allowance mailed on 02 April 2019, for U.S. Patent Application No. 16/175,335, filed on 30 October 2018, 12 pages.
14	Notice of Allowance mailed on 15 August 2019, for U.S. Patent Application No. 16/175146, filed on 30 October 2018, 17 pages.

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15	Notice of Allowance mailed on 29 July 2019, for U.S. Patent Application No. 16/245,532, filed on 11 January 2019, 13 pages.
16	RAHIMI, Farrokh, "Using a Transactive Energy Framework," IEEE Electrification Magazine, December 2016, pp. 23-29.
17	SOLUNA., "Powering the Block Chain," August 2018, version 1.1, 29 pages.
18	WILSON, Joseph Nathanael, "A Utility-Scale Deployment Project of Behind-the-Meter Energy Storage for Use in Ancillary Services, Energy Resiliency, Grid Infrastructure Investment Deferral, and Demand-Response Integration," Portland State University, 2016, 154 pages.

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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Examiner Name	TBD
Attorney Docket Number	19-2071

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Alexander D. Georges/	Date (YYYY-MM-DD)	2019-12-17
Name/Print	Alexander D. Georges	Registration Number	70,534

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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DATE MAILED: 01/27/2020

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/702,931	12/04/2019	Michael T. McNamara	19-2071-US	2690

TITLE OF INVENTION: Methods and Systems for Adjusting Power Consumption based on a Fixed-Duration Power Option Agreement

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	04/27/2020

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

20306 7590 01/27/2020
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/702,931	12/04/2019	Michael T. McNamara	19-2071-US	2690

TITLE OF INVENTION: Methods and Systems for Adjusting Power Consumption based on a Fixed-Duration Power Option Agreement

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$500	\$0.00	\$0.00	\$500	04/27/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
EVERETT, CHRISTOPHER E	2116	700-295000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☐ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/702,931	12/04/2019	Michael T. McNamara	19-2071-US	2690
20306	7590	01/27/2020	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			EVERETT, CHRISTOPHER E	
300 S. WACKER DRIVE			ART UNIT	
32ND FLOOR			PAPER NUMBER	
CHICAGO, IL 60606			2116	

DATE MAILED: 01/27/2020

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 16/702,931	Applicant(s) McNamara et al.	
	Examiner CHRISTOPHER E EVERETT	Art Unit 2116	AIA (FITF) Status Yes

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/4/2019.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1-20. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>12/17/2019</u> . 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.	5. ☐ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
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/Christopher E. Everett/
Primary Examiner, Art Unit 2116

DETAILED ACTION

1. The Office Action is responsive to the communication filed on 12/4/2019.
2. Claims 1-20 are pending.

Notice of Pre-AIA or AIA Status

3. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Allowable Subject Matter

4. Claims 1-20 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Claims 1-16

Regarding claim 1, the prior art as described in the prosecution history describes:

A system comprising:

- a set of computing systems, wherein the set of computing systems is configured to perform computational operations using power from a power grid;
- a control system configured to:
 - monitor a set of conditions;

However, regarding claim 1, the prior art as described in the prosecution history does not describe:

- receive power option data based, at least in part, on a power option agreement, wherein the power option data specify:
 - (i) a set of minimum power thresholds, and
 - (ii) a set of time intervals,
 - wherein each minimum power threshold in the set of minimum power thresholds is associated with a time interval in the set of time intervals;
- responsive to receiving the power option data, determine a performance strategy for the set of computing systems based on a combination of at least a portion of the power option data and at least one condition in the set of conditions,
 - wherein the performance strategy comprises a power consumption target for the set of computing systems for each time interval in the set of time intervals,
 - wherein each power consumption target is equal to or greater than the minimum power threshold associated with each time interval;
 - and
- provide instructions to the set of computing systems to perform one or more computational operations based on the performance strategy.

Dependent claims 2-16 depend from independent claim 1 and are allowable for the same reasons as described above.

Claims 17-19

Independent claim 17 is substantially similar to independent claim 1 and is allowable for the same reasons as outlined above with respect to claim 1. Dependent claims 18-19 depend from independent claim 17 and are allowable for the same reasons as described above.

Claim 20

Independent claim 20 is substantially similar to independent claim 1 and is allowable for the same reasons as outlined above with respect to claim 1.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER E EVERETT whose telephone number is (571)272-2851. The examiner can normally be reached on Monday-Friday 8:00 am to 5:00 pm (Eastern).

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Lo can be reached on 571-272-9774. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 16/702,931
Art Unit: 2116

Page 6

/Christopher E. Everett/
Primary Examiner, Art Unit 2116