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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/323,987	05/18/2021	Angus Pacala	103033- P010US3C2-1252983	9133
20350	7590	01/05/2024	EXAMINER	
Kilpatrick Townsend & Stockton LLP - West Coast			LE, QUE TAN	
Mailstop: IP Docketing - 22			ART UNIT	
1100 Peachtree Street			PAPER NUMBER	
Suite 2800			2878	
Atlanta, GA 30309			NOTIFICATION DATE	
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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.

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ipefiling@kilpatricktownsend.com



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In re Application of :
Pacala et al. :
Application No. 17/323,987 :
Filed: 18 May 2021 : **DECISION ON PETITION**
For ROTATING COMPACT LIGHT :
RANGING SYSTEM COMPRISING A :
STATOR DRIVER CIRCUIT IMPARTING :
AN ELECTROMAGNETIC FORCE ON A :
ROTOR ASSEMBLY :

This is a decision on the petition under 37 CFR 1.78(c) filed October 9, 2023, requesting acceptance of an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application, by way of a Certificate of Correction.

The petition is **GRANTED**.

If the reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(3) is presented after the time period provided by 37 CFR 1.78(a)(4), the claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application may be accepted if the reference required by 37 CFR 1.78(a)(3) was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional application must be accompanied by:

- (1) The reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(3) to the prior-filed application, unless previously submitted. The reference must be included in an application data sheet (§ 1.76(b)(5));
- (2) The petition fee as set forth in § 1.17(m); and
- (3) A statement that the entire delay between the date the benefit claim was due under 37 CFR 1.78(a)(4) and the date the benefit claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As the present petition satisfies all the above requirements, the claim under 35 U.S.C. 119(e) for the benefit of the prior-filed application is accepted as being unintentionally delayed.

Petitioner notes that the benefit claim to the provisional application was listed in the specification as filed but was inadvertently left off the ADS submitted on filing. Petitioner further asserts that the omission of the domestic benefit claim was discovered after reviewing a petition, filed September 14, 2023 for *Inter Partes* Review (IPR) filed against the patent which issued from the subject application.

Receipt is acknowledged of the \$840 petition fee, the corrected ADS, the \$160 certificate of correction fee, and the draft certificate of correction, all filed October 9, 2023.

Applicant is advised that this decision grants the petition to accept the unintentionally delayed domestic benefit claim to the prior filed application because the petition requirements of 37 CFR 1.78(c) and the formal requirements for claiming domestic benefit (*see* MPEP 211.01 et. seq.) have been met. This acceptance should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. Whether a claimed invention in a nonprovisional application is entitled to the benefit of the filing date of a prior-filed application on the basis of the disclosure thereof is determined during examination if it becomes necessary to do so (*e.g.*, intervening reference and interference proceeding). *See* MPEP 211.05.

A corrected Filing Receipt, which includes the claim for the benefit of the prior-filed application, is being mailed under separate cover.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested certificate of correction.

Questions concerning this matter may be directed to the undersigned at (571) 272-3231.

/DOUGLAS I WOOD/
Attorney Advisor, OPET