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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/914,870	06/11/2013	Jonathan S. Steuer	10004-2000103	1217
51417	7590	03/19/2025	EXAMINER	
Maschoff Brennan Gilmore Israelsen & Mauriel LLP 1389 Center Drive, Suite 300 Park City, UT 84098				
			ART UNIT	PAPER NUMBER
			2447	
			NOTIFICATION DATE	DELIVERY MODE
			03/19/2025	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@mabr.com
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Inventors: Steuer et al. :
Application No. 13/914,870 : Decision on Petitions
Filing Date: June 11, 2013 :
Attorney Docket No. 10004-2000103 :

This is a decision on the petition under 37 C.F.R. § 1.137(a) filed on December 19, 2024, to revive the application. This is also a decision on the petition under 37 C.F.R. § 1.182 filed December 19, 2024, which requests expedited consideration of the petition under 37 C.F.R. § 1.137(a).

The petition under 37 C.F.R. § 1.137(a) is **granted**.

The petition under 37 C.F.R. § 1.182 is **granted**.

The application was filed without any fees on June 11, 2013.

The Office issued a Notice to File Missing Parts of Nonprovisional Application (“NMP”) on July 10, 2023. The NMP sets an extendable two-month period for reply. The NMP requires the submission of several fees.

A five-month extension of the time period set forth in the NMP was obtained.

Application No. 14/175,811 was filed on February 7, 2024. Application No. 14/175,811 is a continuation of this application.

A reply was not timely filed in response to the NMP. As a result, the application became abandoned on February 11, 2024.

On December 17, 2024, the Office issued a decision dismissing a petition under 37 C.F.R. § 1.78 filed in Application No. 14/175,811. The decision indicates the benefit claim to this application is improper. The decision states:

In order for a nonprovisional application to claim the benefit of a prior nonprovisional application, the filing fee must have been paid in the prior application during the pendency of the prior application. *See* 37 C.F.R. § 1.78(d)(1)(iii). A review of the record for Application No. 13/914,870 indicates the application became abandoned because the filing fee and several other items were not timely filed in response to a

Notice to File Missing Parts. In other words, the filing fee was not paid during the pendency of the application.

Applicant filed the petitions on December 19, 2024. The petitions include a statement from Mauriel indicating Mauriel believed the co-pendency of the applications and the common inventorship were sufficient for Application No. 14/175,811 to claim the benefit of this application. Mauriel indicates he first learned of the requirement to pay the filing fee when he received the decision, which was issued two days prior to the submission of the petitions.

A grantable petition under 37 C.F.R. § 1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee, and
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137 was unintentional.¹

The petition satisfies the requirements set forth in 37 C.F.R. § 1.137(b) in so far as the petition includes (1) a reply in the form of the fees required in the NMP, (2) the required petition fee of \$840, and (3) the required statement of delay. Therefore, the petition is granted and the application is revived.

Office records indicate the Office received two \$168 petition fees on January 14, 2025. The Office notes the Office is unable to locate any petitions or any other papers filed January 14, 2025, in the file. If applicant wishes for the Office to consider any petitions originally filed on January 14, 2025 (or intended to be filed on that date), copies of the petitions should be resubmitted.

The statement indicates Mauriel intends to expressly abandon the application after the application has been revived. As a courtesy, the Office notes a form that can be used to express abandon an application under 37 C.F.R. § 1.138(d) to obtain a refund of any search fee and excess claims fee in the application can be found on the Office's website at: <https://www.uspto.gov/sites/default/files/documents/aia0024b.pdf>

The Office of Patent Application Processing ("OPAP") will be informed of the instant decision. Thereafter, OPAP will take any steps necessary to place the application in condition to be examined in due course.

The address set forth on the petition is different than the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address set forth on the petition. However, all future correspondence will be mailed solely to the current address of record absent the receipt of a proper request to change the address of record.

¹ A terminal disclaimer is also necessary if the application is a design application or if the application was filed on or before June 8, 1995.

Telephone inquiries regarding this communication should be directed to Attorney Advisor Steven Brantley at (571) 272-3203.

/Charles Steven Brantley/

Charles Steven Brantley
Attorney Advisor
Office of Petitions

cc: Michael Mauriel
15 W. 26th Street, Seventh Floor
New York, NY 10010

Transmittal Communication on Petition	Application/Control No. 13/914,870	Applicant(s)/Patent Under Reexamination Steuer et al.	
	Deciding Official	Office of Petitions OPET	

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

(ADDITIONAL PARTY'S CORRESPONDENCE ADDRESS)

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Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified Application/Patent.