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| 12/511,069      | 07/29/2009  | JEFFREY RAYMOND EASTLACK | 00006.00002US1      | 3061             |

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| EXAMINER |
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03/18/2025

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.



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Commissioner for Patents  
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In re Patent No. 8,358,103 :  
Issue Date: 22 Jan 2013 :  
Application No. 12/511,069 :  
Filing or 371(c) Date: 29 Jul : DECISION ON PETITION  
2009 :  
Attorney Docket No. :  
00006.00002US1 :

This is a decision on the petition pursuant to 37 CFR 1.378(b) to accept the unintentionally delayed payment of the 7½-year maintenance fee for this patent, received on October 22, 2024.

The petition pursuant to 37 CFR 1.378(b) is **DISMISSED**.

The application from which this patent issued matured into U.S. patent number 8,358,103 on January 22, 2013. The grace period for paying the 7½-year maintenance fee provided in 37 CFR 1.362(e) expired at midnight on January 22, 2021 with no payment received. Accordingly, the patent expired on January 22, 2021 at midnight.

More than two years later, this petition was filed.

A grantable petition pursuant to 37 CFR 1.378(b) must be accompanied by:

- (1) The required maintenance fee set forth in 1.20(e) through (g);
- (2) The petition fee as set forth in 1.17(m); and,
- (3) A statement that the delay in payment of the maintenance fee was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

With this petition, the petition fee, the maintenance fee, a statement of unintentional delay, and a statement regarding the extended period of delay have been received. The record

supports a finding that the extended period of delay has been unintentional. Petitioner has established Petitioner relied on prior counsel's inaccurate assertion that the patent remained in force. On October 17, 2024, new legal counsel informed Petitioner this patent has expired and this petition was filed five days later.

Requirements (1) - (3) of 37 CFR 1.378(b) have been satisfied in regards to the 7½-year maintenance fee.

However, the patent remains expired for failure to timely submit the 11½-year maintenance fee, which was due no later than midnight on January 22, 2025. The undersigned called attorney Dinovo on March 13, 2025 at the number listed in USPTO records (512-539-2626) and left a voicemail explaining another petition and two fees were required, but as of the posting of this decision on March 17, 2025, it does not appear the call has been returned or the fees have been paid.

Petitioner should submit a renewed petition, along with the petition fee and the 11½-year maintenance fee. A current list of fees may be found here - <https://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule>

Any request for reconsideration of this decision must be filed within **TWO MONTHS** of the mailing date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The reply should include a cover letter entitled "Renewed Petition pursuant to 37 CFR 1.378(b)". This is not a final agency action within the meaning of 5 USC 704.

**How to respond to this decision :**

The resubmission of material that is already present in the electronic file is not necessary.

The response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail, hand delivery, facsimile, or online.

- Mail: Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the deciding official.

- Hand delivery: United States Patent and Trademark Office, Customer Service Window, Mail Stop Petitions, Knox building, Room 1D80, 501 Dulany Street, Alexandria, VA 22314.
- Facsimile: (571) 273-8300: please note this is a central facsimile number.
- Internet: Registered users may alternatively submit a response to this decision via Patent Center. When filing via Patent Center the user must select from the list of document descriptions to specify the files being submitted. Based on the document description selected by the user, a document code is assigned, and a message regarding the document submitted to the USPTO will be forwarded to the appropriate organization for processing and to the appropriate official for consideration, accurate document indexing is important to facilitate efficient processing and proper consideration of the document by the USPTO. It is important for users to select the correct document description and check the application file via PAIR after the submission is completed.

Any questions concerning this matter may be directed to Attorney Advisor Paul Shanoski at (571) 272-3225.<sup>1</sup>

/PAUL SHANOSKI/  
Attorney Advisor, OPET

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<sup>1</sup> All practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 CFR 1.2. No telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.