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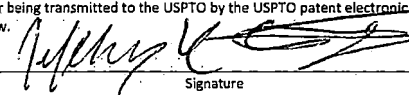
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PTO/59/66 (01-25)

Approved for use through 11/30/2007. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

11 AM 9:00

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.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))		Docket Number (Optional)
Page 1 of 4		
Mail to: Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Fax: (571) 273-8300		
NOTE: If information or assistance is needed in completing this form, please contact the Office of Petitions at (571) 272-3282.		
Patent No. <u>8,358,103</u>	Application Number <u>12/511,069</u>	
Issue Date <u>January 22, 2013</u>	Filing Date <u>July 29, 2009</u>	
CAUTION: Maintenance fee payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.365(c) and (d).		
Also complete the following information, if applicable.		
The above-identified patent		
☐ is a reissue of original Patent No. _____ original issue date _____		
original application number _____		
original filing date _____		
☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____		
filed on _____		
NOTE: A grantable petition requires the following items:		
(1) Petition fee;		
(2) Maintenance fee; and		
(3) Statement that the delay in payment of the maintenance fee was unintentional.		
CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))		
I hereby certify that this paper (* along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being transmitted to the USPTO by the USPTO patent electronic filing system, or by facsimile to (571) 273-8300, on the date shown below.		
<u>03/25/2025</u>		
Date	Signature	
	Jeffrey R. Eastlack	
	Typed or Printed Name of Person Signing Certificate	

(page 1 of 3)
A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0016. Public burden for this form is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT
OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

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1. SMALL ENTITY

☒ Patentee asserts, or has previously asserted, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MICRO ENTITY

☐ Patentee certifies, or has previously certified, micro entity status. See 37 CFR 1.29
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

4. LOSS OF ENTITLEMENT TO MICRO ENTITY STATUS

☐ Patentee is no longer entitled to micro entity status. See 37 CFR 1.29(i).

5. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

Undiscounted			Small Entity			Micro Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)	Amount	Fee	(Code)
☐ \$ _____	3½ yr fee	(1551)	☐ \$ _____	3½ yr fee	(2551)	☐ \$ _____	3½ yr fee	(3551)
☐ \$ _____	7½ yr fee	(1552)	☐ \$ _____	7½ yr fee	(2552)	☐ \$ _____	7½ yr fee	(3552)
☐ \$ _____	11½ yr fee	(1553)	☐ \$ 3312.00	11½ yr fee	(2553)	☐ \$ _____	11½ yr fee	(3553)

MAINTENANCE FEE BEING SUBMITTED \$ 3312.00

6. PETITION FEE

The petition fee required by

(A) For delay more than two years:

37 CFR 1.17(m)(1)

\$ _____ Undiscounted (Fee Code 1560); or

\$ 1200.00 Small Entity (Fee Code 2560); or

\$ _____ Micro Entity (Fee Code 3560)

(B) For delay of less than or equal to two years:

37 CFR 1.17(m)(2)

\$ _____ Undiscounted (Fee Code 1558); or

\$ _____ Small Entity (Fee Code 2558); or

\$ _____ Micro Entity (Fee Code 3558)

must be paid as a condition of accepting an unintentionally delayed payment of a maintenance fee.

PETITION FEE BEING SUBMITTED \$ 1200.00

7. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 4512.00

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☐ Payment by credit card. Form PTO-2038 is attached.

☐ Payment made via USPTO patent electronic filing system.

8. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee or petition deficiency to Deposit Account No. _____

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT
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9. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. _____

OR

☒ Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information, such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form (PTO-2038) submitted for payment purposes), is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicant should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms (PTO-2038) submitted for payment purposes are not retained in the application file and therefore are not publicly available.

10. STATEMENT

The delay in payment of the maintenance fee for this patent was unintentional.

Petitioner is reminded that a delay resulting from a deliberately chosen course of action or a change in circumstance is not an unintentional delay.

Petitioner is further reminded that a person seeking reinstatement of an expired patent should not make a statement that the delay in payment of the maintenance fee was unintentional unless the entire delay was unintentional, including the period from discovery that the maintenance fee was not timely paid until payment of the maintenance fee. For example, a statement that the delay in payment of the maintenance fee was unintentional would not be proper when the patentee becomes aware of an unintentional failure to timely pay the maintenance fee and then intentionally delays filing a petition for reinstatement of the patent under 37 CFR 1.378. See MPEP 2590.

NOTE: Where the petition under 37 CFR 1.378 is filed more than two years after the date the patent expired for nonpayment of the maintenance fee, the United States Patent and Trademark Office requires an additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional. This requirement is in addition to the requirement to provide a statement that the entire delay was unintentional. See *Clarification of the Practice for Requiring Additional Information in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay*, 85 FR 12222 (March 2, 2020). See MPEP 711.03(c)(II)(C)-(F) for additional guidance on the information required to establish that the entire delay was unintentional.

- ☒ Because this petition under 37 CFR 1.378 is being filed more than two years after the date the patent expired for nonpayment of the maintenance fee, additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional is enclosed herewith. Note: If this box is checked, section 6A must also be completed.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT
OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

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11. PETITIONER REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT BE REINSTATED.

03/25/2025

Date

Signature(s) of Petitioner

Jeffrey R. Eastlack

Typed or Printed Name

Registration Number, if applicable

Telephone Number

Address

Address

37 CFR 1.378(c) states: "Any petition under this section must be signed in compliance with § 1.33(b)."

12. ENCLOSURES

- ☒ Maintenance Fee Payment
- ☒ Petition fee under 37 CFR 1.17(m)(1) or (m)(2) (fee for filing the maintenance fee petition)
- ☒ Additional sheet(s) containing statement establishing unintentional delay
- ☐ Other: _____



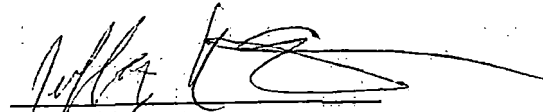
**Additional Pages in Support of Renewed Petition to Accept
Unintentional Delayed Payment of the Maintenance Fee under 37
C.F.R. Section 1.378 (b)**

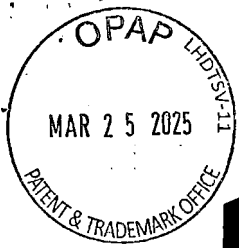
I hereby submit an explanation of the circumstances surrounding the delay in payment of the 11.5 year maintenance fee for U.S. Patent No. 8.358,103, demonstrating that the entire delay was unintentional.

The 11.5 year maintenance payment for U.S. Patent No. 8.358,103 was to be paid by January 22, 2025. On October 22, 2024, I submitted a Petition to Accept Unintentional Delayed Payment of the 7.5 year maintenance fee. I was unaware that an additional maintenance fee was also due while awaiting a decision on the original petition related to the 7.5 year maintenance fee. A decision on the original petition issued on March 18, 2025, explaining that an additional fee was due for the 11.5 year maintenance fee. I was alerted to the existence of this issue on March 24, 2025, and I have acted diligently to prepare and file this Renewed Petition related to the 11.5 year maintenance fee.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 25, 2025.


Jeffrey R. Eastlack



DINOVO PRICE LLP

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March 25, 2025

Via Priority Mail Express 9470 1301 0935 5006 1627 81

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

Re: *Renewed Petition Pursuant to 37 CFR 1.378(b)*

Dear Mr. Shanowski:

Please find attached a Renewed Petition Pursuant to 37 CFR 1.378(b) in response to the Decision on Petition issued with respect to U.S. Patent No. 8,358,103 on March 18, 2025. In that Decision on Petition, Petitioner was instructed to: (1) submit a renewed petition along with the petition fee and 11.5 year maintenance fee; (2) file a cover letter entitled "Renewed Petition Pursuant to 37 CFR 1.378(b)"; and (3) prominently indicate that the attorney handling this matter is **Paul Shanowski**. Petitioner submits that all these instructions have been followed.

Yours very truly,

DINOVO PRICE LLP

By: 

Andrew G. DiNovo
Partner