



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

MAR 3 2006

Mr. Eliot L. Bernstein
10158 Stonehenge Circle, Suite 801
Boynton Beach, FL 33437-3546

Dear Mr. Bernstein:

Thank you for your communication to the Commissioner of Patents, John Doll, at the United States Patent and Trademark Office (USPTO). Your communication has been forwarded to me for response.

Your communication requests (1) numerous suspensions for a number of pending, abandoned, US provisional and non-provisional, and international applications, (2) status requests for those applications which have been granted suspensions, (3) concerns in reference to an attorney, and (4) the need for several inventorship corrections.

(1) This communication appears to be copy of a formal correspondence filed with an application. Please note that correspondence for patent applications must specifically and conspicuously identify the single application to which it is addressed. 37 CFR 1.4(b) states

Since **each** file must be complete in itself, a **separate** copy of **every** paper to be filed in a patent, patent file, or other proceeding must be furnished for **each** file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical (emphasis added).

Several of the non-provisional applications, which are referenced in your communication, are abandoned (i.e. 09/522,721, 09/587,734, 09/587, 026). Abandoned files may not be suspended. A petition may be filed to revive an abandoned application into a pending status under 37 CFR 1.137 (http://www.uspto.gov/web/offices/pac/mpep/mpep_e8r4_appxr.pdf).

Several provisional applications are also listed in your communication. The time period to file a non-provisional application to be copending with a provisional application cannot be suspended or extended. The provisional application is regarded as abandoned 12 months after the filing date of the application and is not subject to revival after such 12-month period. MPEP 201.04 (b)(5) (http://www.uspto.gov/web/offices/pac/mpep/mpep_e8r3_0200.pdf).

Several international and other applications are also listed in your communication. The time period to respond in Patent Cooperation Treaty (PCT) applications may be extended in certain instances, but not suspended. The USPTO will not comment to the practices of the European Patent Office, the Copyright Office, or the Japanese Patent Office.

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Trademark applications are also referenced in your request. Please note that correspondence for trademark applications must specifically and conspicuously identify the single application to which it is addressed. 37 CFR 2.193(a) states

Since **each** file must be complete in itself, a **separate** copy of every document to be filed in a trademark application, trademark registration file, or proceeding before the Trademark Trial and Appeal Board must be furnished for **each** file to which the document pertains, even though the contents of the documents filed in two or more files may be identical (emphasis added).

(2) You have requested the status of the applications containing suspensions. The statuses of the pending non-provisional applications formerly having granted suspensions are as follows:

09/630,939 outstanding Office action, mailed 11/2005
09/587,730 response to Office action, filed 02/08/06

(3) Your communication makes several comments in reference to a practicing attorney. If it is your intent to file a formal complaint against the attorney, please contact the Office of Enrollment & Discipline (OED) at the address

Mail Stop OED
U.S. Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

or by phone (571) 272-4097 or by fax (571) 273-0074.

(4) Your letter also indicates that the inventorship in several applications is not accurate. If it is your intent to correct the inventorship of any application for which you are the first named inventor, please file a petition under 37 CFR § 1.48

(http://www.uspto.gov/web/offices/pac/mpep/mpep_e8r4_appxr.pdf) or you may have an attorney who has been granted your power to do so. If you are not the first named inventor, please have the first named inventor do so.

I hope that this information addresses your concerns. If you have further questions specific to this letter, please contact our office directly at (571) 272-8800.

Sincerely,

Mindy B. Fleisher

Mindy B. Fleisher
Chief of Staff
Office of the Commissioner for Patents