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**OFFICE OF PETITIONS**

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In re Patent No. 7,973,041  
Issued: July 5, 2011  
Application No. 12/070,310  
Filed: February 15, 2008  
Attorney Docket No. 20443-0148002 /  
1NCY0077-002

: FINAL AGENCY DECISION  
: ON REQUEST TO INVOKE THE  
: SUPERVISORY AUTHORITY  
: OF THE DIRECTOR

This is a decision on the petition filed February 21, 2012, requesting that the Director review the Decision on Request for Reconsideration of Decision on Application for Patent Term Adjustment ("Decision") mailed by the Office of Petitions on January 20, 2012.

The Decision argues that the above-identified patent is entitled to three hundred sixty-four (364) days of patent term adjustment ("PTA"), that a paper filed in response to a Notice to File Corrected Application Papers mailed by the Office within the timeframe provided by the Notice should not be considered an action that prevents or interferes with the Office's ability to process or examine an application. To the contrary, such timely filing only supports Applicants' efforts to conclude processing of the application. Thus, an Applicant Delay of 0 days reduction pursuant to 37 C.F.R. § 1.704, rather than 7 days, is appropriate. Patentees request that the Director review the decision and modify the PTA calculation to three hundred sixty-four (364) days.

To the extent the request seeks the review of the decision mailed January 20, 2012, the request is granted. However, the petition does not allege any error and no error has been found, thus, the petition under 37 CFR 1.181 is **DENIED**. This decision is a final agency action within the meaning of 5 U.S.C. § 704 for purposes of seeking judicial review. See, MPEP 1002.02.

As indicated in 1247 OG 111, not all papers will be considered to cause a delay. However, the filing of an amendment under 37 CFR 1.312 is one paper that will be considered to cause a delay. Applicant filed an amendment under 37 CFR 1.312 on April 28, 2011 in response to the April 11, 2011 Notice. Furthermore, in this instance the amendment was required to add table entries that had been deleted by the applicant.

The patent term adjustment remains 357 days, as indicated in the decision of January 20, 2012.

Accordingly, the decision on application for patent term adjustment has been reconsidered and the request for additional patent term is DENIED.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.



Anthony Knight  
Director  
Office of Petitions