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Motorola, Inc.
Intellectual Property Department - M/S 96
1500 Gateway Boulevard
Boynton Beach, FL 33426-8292

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JUN 12 1997

**OFFICE OF PETITIONS
AND PATENTS**

In re Application of :
Stephen Rocco Carsello : DECISION GRANTING
Application No. 08/763,386 : PETITION
Filed: December 16, 1996 :
Attorney Docket No. PT02330U :

This is a decision on the petition filed February 24, 1997, requesting that the above-identified application be accorded a filing date of December 16, 1996, with a drawing of Figure 9 as a part of the original disclosure.

The application was filed on December 16, 1996. However, on January 13, 1997, Initial Patent Examination Division mailed a "Notice Of Omitted Item(s)" stating that the application had been accorded a filing date of December 16, 1996, but that a drawing of Figure 9 described in the specification appeared to have been omitted.

In response, on February 24, 1997, 1 sheet of drawings containing Figure 9 and the present petition were filed. Petitioner argues that 13 sheets of drawings, including a drawing containing Figure 9, were filed with the other application papers on December 16, 1996, and that the drawing containing Figure 9 was later misplaced in the Patent and Trademark Office (Office). In support, a copy of applicant's postcard receipt was supplied on February 24, 1997. The postcard receipt shows a Office date stamp of December 16, 1996, and acknowledges receipt of 13 sheets of drawings.

Based on the evidence present in the file, it is concluded that

13 sheets of drawings, were filed on December 16, 1996, and that the sheet of drawings containing Figure 9 was subsequently misplaced in the Office.

The "Notice" mailed January 13, 1997, is hereby withdrawn.

The petition is granted.

The application will be processed and examined using the copy of Figure 9 supplied on February 24, 1997.

The application is being forwarded to the Office of Finance for crediting the \$130.00 petition fee to deposit account No. 13-4778.

The application will then be returned to Initial Patent Examination Division for further processing with a filing date of December 16, 1996, and for an indication on the file wrapper label that 13 sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 305-9282.



John F. Gonzales
Senior Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

JFG