

Reg. Number	Serial Number	Reg. Date	Filing of Continuing Applications, Amendments, or Petitions after Payment of Issue Fee
1,091,103	73/102,424	05/09/1978	
1,091,105	73/103,159	05/09/1978	
1,091,111	73/142,198	05/09/1978	
1,091,112	73/033,994	05/09/1978	
1,091,113	73/035,234	05/09/1978	
1,091,118	73/084,820	05/09/1978	
1,091,119	73/087,339	05/09/1978	
1,091,123	73/098,754	05/09/1978	
1,091,129	73/112,210	05/09/1978	
1,091,136	73/120,864	05/09/1978	
1,091,138	73/121,542	05/09/1978	
1,091,142	73/129,555	05/09/1978	
1,091,144	73/130,740	05/09/1978	
1,091,147	73/132,182	05/09/1978	
1,091,149	73/138,869	05/09/1978	
1,091,154	73/142,754	05/09/1978	
1,091,157	73/141,739	05/09/1978	
1,091,158	72/438,852	05/09/1978	
1,091,159	72/428,064	05/09/1978	
1,091,167	72/414,284	05/09/1978	
1,091,168	72/458,362	05/09/1978	
1,091,169	72/432,406	05/09/1978	
1,091,172	73/118,087	05/09/1978	
1,091,181	73/123,148	05/09/1978	
1,091,182	73/126,576	05/09/1978	
1,091,183	73/117,340	05/09/1978	
1,091,184	73/057,552	05/09/1978	
1,091,185	73/057,556	05/09/1978	

Notice Regarding Technical Center Box Issue Fee Mailings

The Office will begin mailing address labels with the PTOL-85, "Notice of Allowance and Issue Fee Due" for patent applications allowed in all Technology Centers. These address labels should be used to ensure proper routing of post-allowance correspondence. This directive supersedes the "Special Boxes for Patent Mail" instruction. Any Notice of Allowance and Issue Fee Due received without the accompanying address labels should continue to be addressed to Box Issue Fee.

March 11, 1998

NICHOLAS P. GODICI
Deputy Assistant Commissioner
for Patents (Acting)

Service by Publication

A petition to cancel the registrations identified below having been filed, and the notice of such proceeding sent by certified mail to registrants at their last known address having been returned by the Postal Service as undeliverable, notice is hereby given that unless the registrants listed herein, their assigns or legal representatives, shall enter an appearance within thirty days of this publication, the cancellation will proceed as in the case of default.

Positive Response Television, Inc., Philadelphia, PA, Reg. No. 2,099,725 for the mark "CHEFS' SECRET", Can. No. 27,754.

Aries Technology, Inc., Lowell, MA, Reg. No. 1,485,097 for the mark "ARIES TECHNOLOGY AND DESIGN", Canc. No. 27,399.

KATRINA PETERSON
Supervisory Legal Assistant
Trademark Trial
and Appeal Board, for
ROBERT M. ANDERSON
Deputy Assistant Commissioner
for Trademarks

The Patent and Trademark Office (PTO) is changing its patent publication process such that by July of 1999 the PTO will publish utility patents within four weeks of payment of the issue fee. *See Patents to Issue More Quickly After Issue Fee Payment*, 1220 *Off. Gaz. Pat. Office* 42 (March 9, 1999). This change will impact the timing of the filing of continuing applications under 37 CFR 1.53(b). It will also impact the PTO's ability to consider petitions to accept late priority papers under 37 CFR 1.55(a), amendments filed under 37 CFR 1.312, petitions to withdraw an application from issue under 37 CFR 1.313(b), and petitions to issue a patent to the assignee under 37 CFR 3.81 (b) (assignment filed after issue fee payment).

The PTO does not currently plan to include design and plant patents in the new publication process, but the PTO envisions such patents also being printed much more quickly later in the year.

Change to "Issue Notification" procedure: The PTO currently mails an Issue Notification, which advises the applicant of the projected patent number and issue date, approximately four weeks before an application is expected to issue as a patent.

In order to improve the accuracy of the patent number and issue date indicated on the Issue Notification under the new publication process, a patent number and issue date will not be assigned to an application and an Issue Notification will not be mailed until the issue fee has been paid and processed by the PTO. For an application including formal drawings, the PTO will usually process the issue fee about two weeks after payment. Since the PTO will be publishing patents within four weeks of payment of the issue fee under the new publication process, the Issue Notification will be received by applicant less than two weeks before the application is expected to issue as a patent.

Filing continuing applications: Since a continuing application (a continuation, divisional, or continuation-in-part) may be filed anytime before an application is patented or abandoned, applicants will often wait for the Issue Notification before filing such a continuing application. Therefore, the PTO strongly advises applicants not to wait for receipt of an Issue Notification before filing any desired continuing application. This is because applicants will now receive the Issue Notification just shortly before the application will issue as patent (when it may be too late to prepare and file a continuing application). Applicants are reminded that: (1) the requirement that there be copendency for an application to obtain any benefit of the filing date of the prior application is a statutory requirement (35 U.S.C. § 120) which the PTO cannot waive; and (2) the patent statute contains no provisions for restoring a patented application (unlike an abandoned application) to pending status.

The PTO specifically advises practitioners to be prepared to file any desired application preferably no later than the date the issue fee is paid, to avoid issuance of the application before the continuing application is filed. Obviously, if the application is to be issued as a patent, any continuing application must be filed under 37 CFR 1.53(b), and not as a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitions and amendments submitted after payment of the issue fee: Since the PTO anticipates that an application will issue as a patent approximately four weeks after the date the issue fee is paid (assuming there are no other outstanding requirements), there is little, if any, time for consideration of amendments or petitions filed after payment of the issue fee. Thus, the PTO encourages applicants to file any necessary amendments, assignments, petitions or other papers well prior to the date of issue fee payment, preferably shortly after the mailing of the notice of allowance. Amendments, assignments, petitions or other papers filed after mailing of the notice of allowance (except for petitions under 37 CFR 1.313(b)) should be addressed to Box Issue Fee, Assistant Commissioner for Patents, Washington, D.C. 20231. The PTO cannot ensure that any paper filed after payment of the issue fee will reach the

X III

appropriate PTO official for consideration before the date the application issues as a patent.

Withdrawal from issue: In the event that it is necessary to file a petition under 37 CFR 1.313 (b) to withdraw an application from issue after payment of the issue fee, the PTO strongly recommends that the petition be clearly marked "Petition under 37 CFR 1.313(b)" and be either:

- (1) Submitted by facsimile to (703) 308-6916; or
- (2) Hand-carried to the Office of Petitions.

Otherwise, it is quite possible that the petition will not be brought before the appropriate deciding official before the date the application issues as a patent.

The most common petition under 37 CFR 1.313(b) is a petition under 37 CFR 1.313(b)(5) to withdraw an application from issue for abandonment in favor of a continuing application to permit consideration of an information disclosure statement (IDS) in the continuing application. In this event, applicants are encouraged to file the petition under 37 CFR 1.313(b)(5) with a continued prosecution application (CPA) under 37 CFR 1.53 (d) by facsimile to (703) 308-6916. The petition need not be accompanied by the IDS (if the size of the IDS makes its submission by facsimile impracticable), but the petition should indicate that an IDS will be filed in the CPA if an IDS does not accompany the petition under 37 CFR 1.313(b)(5).

Inquiries concerning this notice should be directed to the Office of Petitions Staff at (703) 305-9282.

STEPHEN G. KUNIN
Deputy Assistant Commissioner
for Patent Policy and Projects

**Certificates of Correction
for April 6, 1999**

D. 371,969	5,594,841	5,732,923	5,764,212
D. 387,529	5,613,101	5,734,010	5,766,365
D. 394,274	5,615,347	5,734,268	5,766,682
D. 395,060	5,616,424	5,734,987	5,766,940
D. 397,061	5,625,339	5,735,247	5,766,990
D. 397,951	5,631,270	5,736,117	5,767,441
D. 399,000	5,643,630	5,736,157	5,767,808
D. 399,645	5,649,225	5,736,355	5,768,413
D. 400,651	5,654,364	5,736,720	5,768,496
D. 401,236	5,655,922	5,736,900	5,768,514
D. 402,563	5,674,387	5,740,553	5,769,963
D. 403,660	5,675,465	5,741,554	5,770,725
4,923,317	5,677,680	5,741,650	5,771,974
5,192,461	5,679,502	5,742,873	5,771,978
5,298,659	5,682,949	5,743,983	5,773,460
5,319,124	5,688,994	5,745,480	5,773,882
5,336,614	5,695,808	5,745,669	5,774,266
5,371,010	5,695,822	5,745,997	5,774,395
5,380,313	5,696,012	5,746,065	5,774,441
5,402,964	5,700,458	5,746,511	5,775,687
5,404,873	5,706,480	5,747,887	5,775,846
5,406,476	5,706,820	5,748,218	5,777,013
5,416,448	5,707,826	5,750,619	5,777,335
5,451,165	5,709,046	5,751,426	5,777,664
5,480,444	5,710,344	5,753,073	5,777,695
5,491,035	5,711,376	5,754,556	5,777,862
5,492,772	5,712,180	5,755,028	5,778,081
5,507,883	5,716,870	5,755,379	5,778,222
5,508,188	5,717,583	5,757,510	5,778,740
5,523,403	5,719,480	5,757,374	5,779,993
5,528,062	5,720,586	5,759,144	5,780,325
5,536,242	5,721,467	5,759,205	5,781,630
5,547,936	5,722,376	5,759,810	5,783,083
5,548,345	5,724,924	5,760,123	5,783,114
5,548,615	5,727,414	5,760,178	5,783,327
5,569,218	5,728,651	5,760,621	5,785,120
5,570,993	5,728,821	5,761,437	5,786,658
5,577,388	5,730,724	5,761,477	5,786,781
5,580,057	5,732,277	5,762,230	5,787,195

5,787,323	5,804,997	5,822,605	5,846,441
5,787,766	5,805,363	5,822,616	5,846,768
5,788,333	5,805,702	5,823,479	5,846,981
5,790,325	5,805,738	5,823,513	5,847,176
5,790,343	5,805,883	5,823,755	5,847,348
5,790,398	5,806,270	5,824,307	5,849,078
5,790,501	5,807,003	5,824,701	5,849,811
5,790,918	5,807,445	5,824,959	5,850,540
5,791,449	5,808,115	5,825,165	5,852,308
5,792,167	5,810,292	5,825,682	5,852,521
5,792,844	5,810,475	5,825,767	5,852,815
5,793,064	5,810,542	5,826,261	5,852,816
5,793,144	5,811,142	5,826,794	5,852,858
5,793,966	5,811,508	5,827,620	5,853,026
5,794,290	5,811,953	5,827,947	5,853,397
5,794,735	5,812,076	5,828,341	5,853,408
5,794,845	5,812,172	5,828,810	5,853,418
5,795,018	5,812,674	5,828,848	5,853,452
5,795,505	5,812,798	5,829,839	5,853,453
5,797,459	5,812,892	5,829,897	5,854,412
5,797,481	5,812,896	5,830,051	5,854,579
5,797,626	5,813,245	5,830,109	5,854,812
5,797,934	5,813,905	5,830,591	5,855,326
5,798,056	5,813,906	5,830,981	5,855,506
5,798,237	5,814,506	5,831,624	5,855,509
5,798,305	5,814,768	5,831,795	5,855,721
5,798,678	5,814,818	5,832,292	5,855,756
5,798,758	5,815,245	5,832,753	5,855,794
5,798,793	5,815,397	5,832,867	5,855,851
5,799,199	5,836,005	5,833,291	5,856,106
5,799,233	5,836,260	5,834,017	5,856,222
5,800,867	5,816,346	5,834,323	5,856,356
5,801,173	5,817,511	5,835,396	5,857,058
5,801,537	5,817,600	5,835,411	5,857,066
5,801,903	5,817,944	5,835,508	5,857,073
5,802,003	5,818,038	5,835,516	5,857,758
5,802,104	5,818,195	5,838,458	5,858,912
5,802,212	5,818,488	5,838,874	5,899,572
5,802,386	5,819,861	5,839,844	5,859,587
5,802,699	5,820,231	5,840,783	5,859,934
5,802,737	5,820,271	5,840,951	5,865,968
5,802,856	5,820,607	5,843,022	5,867,923
5,803,050	5,820,834	5,843,783	5,874,579
5,803,274	5,821,107	5,844,387	5,875,082
5,803,463	5,821,312	5,844,388	
5,803,656	5,821,510	5,846,232	
5,803,847	5,821,800	5,846,248	

XIV