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Mitchell Swartz
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In re Application of :
Mitchell Swartz :
Application No. 13/544,381 : ON PETITION
Filed: July 9, 2012 :
For: MACHINE AND PROCESS TO :
PRELOAD, ACTIVATE, REJUVENATE, :
AND EVALUATE ENERGY PRODUCTION :
FROM A NANOSTRUCTURED MATERIAL :

This is in response to the petition filed September 26, 2016, requesting that the Director exercise her supervisory authority and review of the decision mailed September 13, 2016, which decision **DENIED** the petition filed on June 23, 2016, which requested that the Director exercise her supervisory authority and overturn the decisions of a Technology Center 3600 Director (Technology Center Director), and specifically requested supervisory authority to “correct” statements by the examiner in the Office actions issued in the above-identified application and recuse the examiner from the above-identified application.

37 CFR 1.181(g) provides that “[t]he Director may delegate to appropriate Patent and Trademark Office officials the determination of petitions.” *See* 37 CFR 1.181(g); *see also* MPEP 1002.02 (“[i]n accordance with 37 CFR 1.181(g), the authority to decide petitions to the Director of the USPTO not otherwise delegated, has been delegated to various Office officials”). A party to a proceeding in the United States Patent and Trademark Office (USPTO) has a right to petition and receive a decision by the USPTO official delegated authority to render the decision, but any further consideration of the petition is not a matter of right. *See In re Staeger*, 189 USPQ 284, 284-85 (Comm’r Pat. 1974).

Petitions under 37 CFR 1.181 seeking to invoke the supervisory authority of the Director of the USPTO to review the decision of a Technology Center Director are delegated to the Deputy Commissioner for Patent Examination Policy. *See* MPEP 1002.02(b) (item 17). There is no provision for further review within the USPTO of a decision of the Deputy Commissioner for Patent Examination Policy.

The petition under 37 CFR 1.181 to “correct” statements by the examiner in the Office actions issued in the above-identified application and recuse the examiner from the above-identified application was considered and was **denied** in the decision of September 13, 2016. The decision of September 13, 2016 represents the conclusion of the consideration by the USPTO of petitioner’s request to “correct” statements by the examiner in the Office actions issued in the above-identified application and recuse the examiner from the above-identified application.

As indicated in the decision of September 13, 2016, no further reconsideration of the decision of September 13, 2016 will be entertained.



Robert W. Bahr
Deputy Commissioner for
Patent Examination Policy