

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WREN, Stephen

Serial No.: 12/124,027

Filed: 05-20-2008

For: SYSTEM FOR MARKETING
GOODS AND SERVICES
UTILIZING COMPUTERIZED
CENTRAL AND REMOTE
FACILITIES

Examiner: Zurita, James

Art Unit: 3625

APPLICATION FOR PATENT TERM ADJUSTMENT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Pursuant to 37 CFR 1.705(d), applicant respectfully requests reconsideration of the patent term adjustment calculation for patent number 8,620,758, issued 12-31-2013, at least based on the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B).

From The CAFC Wyeth decision-

“Accordingly, subtitle d removes the 10-year caps from the existing provisions, adds a new provision to compensate applicants fully for uspto-caused administrative delays, and, for good measure, includes a new provision guaranteeing diligent applicants at least a 17-year term by extending the term of any patent not granted within three years of filing. Thus, no patent applicant diligently seeking to obtain a patent will receive a term of less than the 17 years as provided under the pre-gatt standard; in fact, most will receive considerably more.”

Statement Of The Facts Involved-

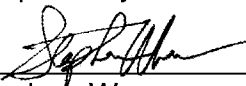
Per 1.705(b)(2)

- (i) The PTO already calculated the parts A and C adjustments as 1071 days. For the part B adjustment, the parent application was filed March 20, 1992. The full pendency to issue on December 31, 2013 was then 7956 days. Backing out the time on appeal at the Board of Patent Appeals which the PTO calculated as 1193 days, the part B adjustment would be 6763 days. Adding that to the parts A and C adjustment of 1071 days as calculated by the PTO gives a total patent term adjustment for parts A, B and C of 7834 days, or 21 years and 169 days.
- (ii) Relevant dates: the filing date of the earliest referenced parent application is March 20, 1992; issue date of this patent is 12/31/2013; minimal 17 year guaranteed expiration date is 12/31/2030. The combined part A and C adjustment as calculated by the PTO was 1071 days. The full § 1.703(f) adjustment as above is 7834 days, or 21 years and 169 days.

(iii)-(iv)

This patent is not subject to any terminal disclaimer and there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.

Respectfully submitted,



Stephen Wren
Applicant

Date: February 28, 2014