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OFFICE OF PETITIONS

In re Application of
Paul Westbrook et al.
Application No. 10/339,700
Filed: January 8, 2003
Attorney Docket No. 60097-0234

ON PETITION

This is a decision on the petition filed October 3, 2008, under 37 CFR § 1.183 requesting waiver of 37 CFR § 1.64 as it relates to a concurrently filed petition under 37 CFR § 1.48(a)(2).

The petition under 37 CFR § 1.183 is **GRANTED**.

The petition under 37 CFR § 1.48 is **GRANTED**.

Petitioner seeks waiver of the rules such that the petition under 37 CFR 1.48 may be considered in the absence of the signatures on the required supplemental declaration of the originally named inventors. The application was filed naming Paul Westbrook, Howard Look, James Young, Stephen Lacy, and Timothy Davison and seeks under 37 CFR § 1.48(a) to amend the inventive entity by the addition of James M. Barton.

37 CFR § 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

- (1) a petition including a statement from *each person being added* and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;
- (2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;
- (3) the fee set forth in 37 CFR 1.17 (h); and
- (4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The declaration filed with the petition is signed by the added inventor with a statement that through error and without deceptive intent, the original application improperly set forth the inventorship. All of the original inventors have signed the supplemental declaration except joint inventor Davison.