

PATENT ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
David KING	03/17/2011
RECEIVING PARTY DATA	
Name:	Nexfoto Limited
Street Address:	The Fairway, Langham Park, Lows Lane, Stanton By Dale
City:	Derbyshire
State/Country:	UNITED KINGDOM
Postal Code:	DE7 4RJ
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	29384871
CORRESPONDENCE DATA	
Fax Number:	(703)991-7071
Phone:	7037408322
Email:	info@maierandmaier.com
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i>	
Correspondent Name:	MAIER & MAIER, PLLC
Address Line 1:	1000 DUKE STREET
Address Line 4:	ALEXANDRIA, VIRGINIA 22314
ATTORNEY DOCKET NUMBER:	PC-001-DES
NAME OF SUBMITTER:	Timothy J. Maier
Total Attachments: 7 source=PC-001-DES-AssignmentAsFiled-1-24-12#page1.tif source=PC-001-DES-AssignmentAsFiled-1-24-12#page2.tif source=PC-001-DES-AssignmentAsFiled-1-24-12#page3.tif source=PC-001-DES-AssignmentAsFiled-1-24-12#page4.tif source=PC-001-DES-AssignmentAsFiled-1-24-12#page5.tif source=PC-001-DES-AssignmentAsFiled-1-24-12#page6.tif source=PC-001-DES-AssignmentAsFiled-1-24-12#page7.tif	

OP \$40.00 29384871

ASSIGNMENT OF DESIGN PATENT APPLICATION

FOR GOOD AND VALUABLE CONSIDERATION,

I/We, the undersigned hereby agree to assign for said good and valuable consideration, receipt of which is hereby expressly acknowledged, and do hereby sell, assign and transfer unto

Nexfoto Limited., whose mailing address is, The Fairway, Langham Park, Lows Lane, Stanton By Dale, Derbyshire, DE7 4RJ, United Kingdom, a corporation organized under the laws of the state/country of the United Kingdom as Assignee, and its successors, assigns and legal representatives, the entire right, title and interest, for all countries in and to certain inventions described inventions relating to

ACCESSORY FOR A PHOTO ALBUM

in an application for Letters Patent of the United States, identified as Attorney Docket No. PC-001-DES, Customer No. 62008 at Maier & Maier, PLLC, 1000 Duke Street, Alexandria, VA 22314, and filed on February 4, 2011, as U.S. Design Patent Application No. 29/384,871, and the invention(s) and improvement(s) set forth therein, and any and all conversions, continuations, continuations-in-part, divisionals, and renewals of and substitutes for said application for said Letters Patent, and all the rights and privileges under any and all Letters Patent that may be granted therefor in any country, and any reissues, or reexaminations, or extensions of said Letters Patent. I request that any and all Letters Patent for said inventions be issued to said Assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

I/We agree that, when requested, I/We will, without charge to said Assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said Assignee, its successors, assigns and legal representatives or nominees.

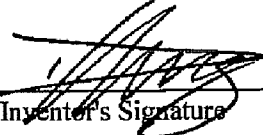
I/We authorize and empower the said Assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from me.

I/We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said Assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International convention which may henceforth be substituted for it.

I/We hereby authorize attorney(s) associated with Customer No. 62008, attorney(s) for Assignee, to insert the filing date and Serial number into the first paragraph of this assignment, after the application for Letters Patent has been filed, and the U.S. Patent Office has assigned such application a Serial Number.

I/We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that I have full right to convey the same as herein expressed.

IN WITNESS WHEREOF, I/~~We~~ have hereunto signed my name on the day and year set forth below.

 _____ 1 ST Inventor's Signature	<u>17/3/11</u> _____ DATE
David KING _____ 1 ST Inventor's Printed Name	

David KING DAVID KING.

1ST Inventor's Printed Name

_____ 2 ND Inventor's Signature	_____ DATE
David HARBINSON _____ 2 ND Inventor's Printed Name	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of :
King, et al. : DECISION ON PETITION
Application No. 29/384,871 :
Filed/Deposited: 4 February, 2011 :
Attorney Docket No. PC-001-DES :

This is a decision on the petition filed on 13 July, 2011, pursuant to 37 C.F.R. §1.47.

The petition as considered pursuant to 37 C.F.R. §1.47(a) is GRANTED.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

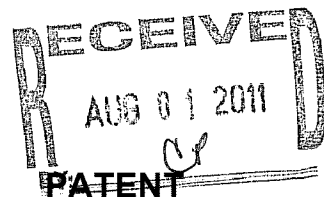
Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 4 February, 2011, without, *inter alia*, a fully executed oath/declaration

On 18 February, 2011, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.



REEL: 027582 FRAME: 0371

On 15 April, 2011, Petitioner Timothy J. Maier (reg No. 51,986) submitted an incomplete reply..

On 21 April, 2011, the Office mailed a Notice of Incomplete Reply.

On 13 July, 2011, Petitioner filed, *inter alia*, a petition (with fee) pursuant to the regulations at 37 C.F.R. §1.47, with an oath/declaration executed by co-inventor Mr. King for himself and on behalf of non-signing co-inventor David Harbinson (Mr. Harbinson), with a statement by Petitioner and foreign Counsel Darren Mitchell (Mr. Mitchell) attesting to the attachment of an correspondence that evidences transmission of the entire application (description, claims, abstract, drawings) to Mr. Mr. Harbinson at an address believed upon diligent inquiry to be valid/current/reasonably believed to be last known address for the non-signing inventor and received by the nonsigning inventor and that thereafter Mr. Mitchell confirmed by telephone Mr. Harbinson's receipt of the papers and thereafter Mr. Harbinson failed to answer and so constructively refused to sign.

Therefore, it appears that Petitioner provided a showing satisfying the requirements under the Rule to wit: showing/proof that the non-signing inventor actually and/or constructively refused to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor could not be found/refused to sign after diligent effort.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).



UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVID HARBINSON
23 MUNNROSE CLOSE
KEGWORTH,
DERBYSHIRE DE7 4RJ
UNITED KINGDOM

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of :
King, et al. : CORRESPONDENCE
Application No. 29/384,871 :
Filed/Deposited: 4 February, 2011 :
Attorney Docket No. PC-001-DES :

Dear David Harbinson:

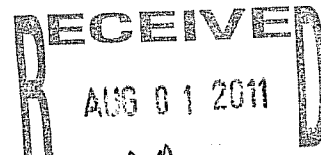
You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

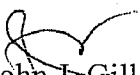
Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).



PATENT

REEL: 027582 FRAME: 0373

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/your action(s) and/or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.