

PATENT ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	Assignment Agreement
CONVEYING PARTY DATA	
Name	Execution Date
David L. Minock	01/28/2007
RECEIVING PARTY DATA	
Name:	Toyota Motor Engineering & Manufacturing North America, Inc.
Street Address:	25 Atlantic Avenue
City:	Erlanger
State/Country:	KENTUCKY
Postal Code:	41018
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	13433852
CORRESPONDENCE DATA	
Fax Number:	5139778141
Phone:	5139778647
Email:	gina.smith@dinsmore.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:	Keith G. DeMaggio
Address Line 1:	255 East Fifth Street
Address Line 2:	Suite 1800
Address Line 4:	Cincinnati, OHIO 45202
ATTORNEY DOCKET NUMBER:	22562-578
NAME OF SUBMITTER:	Keith G. DeMaggio
Total Attachments: 16 source=Assignment_Agreement#page1.tif source=Assignment_Agreement#page2.tif source=Assignment_Agreement#page3.tif	

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ASSIGNMENT AGREEMENT

In consideration of my Employment with Toyota Engineering & Manufacturing North America, Inc. (hereafter TEMA), I, David Mincic (print name of Team Member), agree to the following:

1. From this date, during the term of Employment with TEMA, Team Member shall inform and promptly disclose to TEMA all ideas, processes, inventions, trademarks, improvements, computer programs, developments and discoveries, whether or not patentable or copyrightable (hereafter referred to as INVENTIONS), which (1) come within the scope of TEMA business or related TEMA products or to any research, design, experimental or production equipment, processes or work conducted by Toyota, or to any work assignment performed for TEMA by Team Member, whether conceived alone or with others, and whether conceived during regular working hours or after, or (2) though not falling within any of the situations listed in subpart (1) above, were conceived or first reduced to practice, either solely or jointly with others, with the use of TEMA's time, material or facilities.
2. Team Member agrees to assign and hereby does assign to TEMA all of his/her right, title and interest in the INVENTIONS covered by paragraph 1 above, including all United States and foreign patents and copyrights thereon. Excepted from this Agreement are the INVENTIONS listed below which were conceived prior to Team Member's term of employment with TEMA, providing that such inventions are not subsequently first reduced to practice with this use of TEMA's time, materials or facilities: (Note: Please provide a description adequate to distinguish each such INVENTION from any similar INVENTION that Team Member may make during his/her term of employment).
3. Any provision of this Agreement requiring Team Member to assign his/her rights in any invention shall not apply to an INVENTION which qualifies fully under the provisions of Section 2870 of the California Labor Code or any similar provisions of any other State or Federal Law. Section 2870 provides that the requirement to assign "shall not apply to any INVENTION for which no equipment, supplies, facility or trade secret information of the Employer was used and which was developed outside the business of the Employer, or (a) to the Employer's actual or demonstrably anticipated research or development, or (b) which does not result from any work performed by the Team Member for the Employer." Team Member understands that he/she bears the burden of proving to TEMA that an invention qualifies fully under Section 2870 or similar provisions of any other State or Federal Law.
4. Team Member further agrees to cooperate with and assist TEMA or its designees in obtaining, defending and enforcing patents and copyrights, worldwide, which are based on or relate to such INVENTIONS. Any and all reasonable and necessary expenses to such patent applications or proceedings shall be borne by TEMA. The

Team Member, when requested to do so , either during or after employment with the company shall (a) assist TEMA and its attorney's in preparing patent applications; and (b) sign and deliver all applications, assignments, declarations, and related documents when requested to do so by TEMA.

5. All INVENTIONS submitted for patent applications by Team Member will be studied and examined by TEMA. In the event TEMA decides to apply for a patent, Team Member shall be compensated in accordance with the terms and conditions outlined in the TEMA PATENT POLICY.
6. Team Member acknowledges and agrees that any and all copyright rights and other intellectual property rights in designs, software and works of authorship created by Team Member during employment shall belong to TEMA.
7. For the purposes of this Agreement, an Team Member's INVENTION is deemed to have been made during the period of employment if the INVENTION was either conceived or first actually reduced to practice during that period.
8. The parties acknowledge that there are no agreements or understandings, oral or written, between TEMA and Team Member with respect to the subject matter of this Agreement, other than set forth herein and that this Agreement contains the entire agreement between TEMA and Team Member. The Agreement may not be altered, modified, terminated or discharged except by a writing signed by an authorized representative of TEMA .
9. In the Event of any action at law or suit in equity in relation to this Agreement, the prevailing party shall be entitled to a reasonable sum for its attorney's fees.

TEAM MEMBER REPRESENTS THAT HE/SHE HAS FULLY READ THE ENTIRE CONTENTS OF THIS ASSIGNMENT AGREEMENT AND UNDERSTANDS THAT HE/SHE BY ENTERING INTO THIS AGREEMENT IS RELINQUISHING ALL LEGAL OWNERSHIP AND CONTROL TO ANY INVENTIONS COMING WITHIN THE SCOPE OF PARAGRAPHS 1 OR 2 ABOVE. FURTHER, NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO CHANGE, ALTER, OR MODIFY THE AT-WILL STATUS OF THIS EMPLOYMENT.

The undersigned has executed this agreement this 28 day of JANUARY, 2007.


TEAM MEMBER SIGNATURE



RECEIVED

JUL 23 2012

Dinsmore & Shohl LLP
255 East Fifth Street, Suite 1900
Cincinnati OH 45202

KLH

JUL 23 2012

DOCKETED

MAILED

JUL 17 2012

OFFICE OF PETITIONS

In re Application of :
DAVID LAFAYETTE MINOCK :
Application No. 13/433,852 :
Filed: 03/29/2012 :
Attorney Docket No. 22562-578 / 2011-143 :
Title: DECOUPLING STRUCTURE FOR :
MANUAL RELEASE CABLE :

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b) filed June 14, 2012. Applicant obtained an extension of time for response within the first month. Accordingly, the petition is filed timely.

The petition is granted.

37 CFR 1.47(b) applicant showed that David Minock, the non-signing inventor, refused to join in the application after being presented with a copy of the application papers and declaration for his signature. Applicant established that Toyota Motor Engineering & Manufacturing North America, Inc. has a sufficient proprietary interest in the matter with the submission of an employment agreement. Applicant also provided Statements of Facts by Frederick W. Mau and Christopher W. Elswick in support of the petition. Applicant averred that the filing was necessary to preserve the rights of the parties and prevent irreparable damage. Lastly, applicant provided the Office with the last known address of the inventor, an acceptable declaration and the requisite fees.

The Office has reviewed this application and paper and have found them in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



David Minock
1043 Adelaide St.
Fenton, MI 48430

In re Application of :
DAVID LAFAYETTE MINOCK :
Application No. 13/433,852 :
Filed: 03/29/2012 :
Attorney Docket No. 22562-578 / 2011-143 :
Title: DECOUPLING STRUCTURE FOR :
MANUAL RELEASE CABLE :

LETTER

MAILED
JUL 17 2012
OFFICE OF PETITIONS

Dear Mr. Minock:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a sole 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 CFR 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 in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Dinsmore & Shohl LLP
255 East Fifth Street, Suite 1900
Cincinnati OH 45202

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application of
Applicants : Minock, David
Serial No. : 13/433,852
Filed : March 29, 2012
Title : DECOUPLING STRUCTURE FOR MANUAL RELEASE CABLE
Docket : 22562-578 / 2011-143
Examiner : TO BE ASSIGNED
Art Unit : 3674
Confirm. No. : 2361

DECLARATION IN SUPPORT OF RULE 47(b) PETITION

I, Frederick W. Mau, II, hereby declare and say:

1. I am Intellectual Property Counsel for Toyota Motor Engineering & Manufacturing North America, Inc. I am authorized to act on behalf of Toyota Motor Engineering & Manufacturing North America, Inc.

2. Upon information and belief, David Minock was an employee of Toyota Motor Engineering & Manufacturing North America, Inc. at the time of conception and reduction to practice of the subject matter described in Application Serial No. 13/433,852 (hereinafter "the application").

3. Toyota Motor Engineering & Manufacturing North America, Inc. has a propriety interest in the subject matter of the application. A copy of Mr. Minock's employment agreement, indicating that Mr. Minock had an obligation to assign any invention to Toyota Motor Engineering & Manufacturing North America, Inc. conceived of as an employee of Toyota Motor Engineering & Manufacturing North America, Inc., is attached hereto. Mr. Minock signed the employment agreement on January 28, 2007.

4. Toyota Motor Engineering & Manufacturing North America, Inc., its successors and assigns have a proprietary interest in the entire right, title, and interest in said application and any divisions or continuations thereof, and any invention therein disclosed, and any improvements thereon, and any patent or patents that may be issued or reissued thereon. Further, Toyota Motor Engineering & Manufacturing North America, Inc., its successors and assigns may have an interest to file in its own name applications for patents in foreign countries in connection with the disclosed inventions under the International Convention claiming the priority of said United States application or otherwise, and to secure in its own name the patent or patents issued thereon.

5. Filing of the above-referenced application was necessary to preserve the rights of Toyota Motor Engineering & Manufacturing North America, Inc.

6. I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated on the declaration for inventorship next to their name; and (2) I believe the inventor(s) named on the declaration for inventorship to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought.

7. I hereby state that I have reviewed and understand the contents of the above identified application, including the claims.

8. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10. Upon information and belief that the facts that Mr. Minock would be required to state in the declaration of inventorship are accurate, I have signed this paper in compliance with 37 CFR 1.64 in place of Mr. Minock's declaration of inventorship.

TOYOTA MOTOR ENGINEERING &
MANUFACTURING NORTH AMERICA, INC.

6/13/2012

Date

By: 

Frederick W. Mau, II
Intellectual Property Counsel
Toyota Motor Engineering & Manufacturing
North America, Inc.
Legal Department
1555 Wodridge Ave. RR #7
Ann Arbor, MI 48105
(734) 995-7152

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application of

Applicants : Minock, David

Serial No. : 13/433,852

Filed : March 29, 2012

Title : DECOUPLING STRUCTURE FOR MANUAL RELEASE CABLE

Docket : 22562-578 / 2011-143

Examiner : TO BE ASSIGNED

Art Unit : 3674

Confirm. No. : 2361

AFFIDAVIT IN SUPPORT OF RULE 47(b) PETITION

I, Christopher W. Elswick, hereby declare and say:

1. I am a registered patent practitioner. My registration number is 56,673.
2. On March 29, 2012, I electronically filed an application titled "Decoupling Structure for Manual Release Cable" naming David Minock as the sole inventor and having an attorney docket number 22562-578 / 2011-143 (hereinafter "the application"). The USPTO assigned the application serial number 13/433,852.
3. Mr. Minock's last known address is 1043 Adelaide St., Fenton, MI 48430.
4. On March 14, 2012, I telephoned Mr. Minock's home telephone number and left a message regarding the status of the application.
5. On March 19, 2012, my office mailed a complete copy of the application papers including the specification, claims, and figures, along with a declaration of inventorship in accordance with 37 C.F.R. 1.63 and an assignment, to Mr. Minock's last known address by USPS certified mail. A copy of the cover letter that accompanied the applications papers is attached.

Elizabeth Minock signed for receipt of the mailed documents on March 22, 2012. A copy of the certified mail receipt is attached.

6. On March 23, 2012, I spoke with Mr. Minock via telephone. Mr. Minock indicated that he was deciding whether he would refuse to sign the declaration of inventorship and assignment.

7. On March 29, 2012, Mr. Minock left a voicemail with my office indicating that he was refusing to sign the declaration of inventorship and assignment.

June 7, 2012

/Christopher W. Elswick/

Date

Christopher W. Elswick
Registration No. 56,673
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8224

Christopher W. Elswick
513-977-8224
christopher.elswick@dinsmore.com

March 19, 2012

Via Certified Mail/Return Receipt

Mr. David Minock
1043 Adelaide St.
Fenton, MI 48430

Re: **Decoupling Structure for Manual Release Cable**
Our Ref.: 22562-578

Dear Mr. Minock:

My name is Christopher Elswick and I represent Toyota in the matter of their not yet filed patent application entitled FUEL HOUSING ASSEMBLIES WITH PRIMARY AND SECONDARY FUEL DOOR LOCK SYSTEMS. Enclosed please find a copy of the complete patent application, including the specification, claims, abstract and drawings. You previously indicated that you are the sole inventor in this matter.

Also enclosed are the following documents requiring your signature:

1) A Declaration declaring that (1) your residence, mailing address, and citizenship are as stated next to your name; and (2) you believe that, as the sole inventor named in the Declaration, you are the original and first inventor of the subject matter which is claimed and for which a patent is sought on the present invention. By signing the Declaration, you attest further that that you have reviewed and understand the application papers and that you consent to the duty to disclose information material to patentability to the patent office. Please note your signature block, located at the bottom of page 3. Please sign and date the document in the appropriate box, underneath your printed name. If any personal information on this document is incorrect, please draw a single line through the incorrect information, write in the corrected information, and initial each change.

2) An assignment of your patent rights to Toyota Motor Engineering & Manufacturing North America, Inc. This document should be signed and dated, preferably before a notary public if a notary public is available to you.

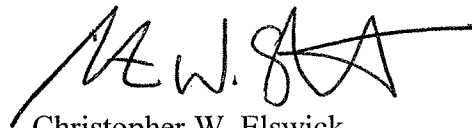
Please review the application papers, execute the Declaration and Assignment, and return the executed documents using the enclosed postage-paid envelope. Alternatively, you may return the executed documents via email by scanning and emailing the documents to my attention at the following email address:

christopher.elswick@dinsmore.com

If we do not receive the executed documents by the close of the business day March 26, 2012, your failure to respond will be deemed a refusal.

We look forward to receiving your signed documents prior to the deadline set forth above.

Best regards,

A handwritten signature in black ink, appearing to read "C.W. Elswick", with a stylized flourish at the end.

Christopher W. Elswick

CWE:lem
Enclosures
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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☒ Declaration
Submitted
With Initial
Filing

OR

☐ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16(f))
required)

Attorney Docket
Number

22562-578 / 2011-143

First Named Inventor

David Lafayette Minock

COMPLETE IF KNOWN

Application Number

Filing Date

Art Unit

Examiner Name

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Fuel Housing Assemblies with Primary and Secondary Fuel Door Lock Systems

(Title of the Invention)

the application of which

☒ is attached hereto
OR

☐ was filed on (MM/DD/YYYY) _____ as United States Application Number or PCT International

Application Number _____ and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Authorization To Permit Access To Application by Participating Offices

☒ If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, or other intellectual property office in which a foreign application claiming priority to the above-identified application is filed to have access to the application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the application-as-filed with respect to : 1) the above-identified application, 2) any foreign application to which the above-identified application claims priority under 35 USC 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified US application, and 3) any U.S. application from which benefit is sought in the above-identified application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

[Page 1 of 3]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PATENT
REEL: 028621 FRAME: 0524**

DECLARATION — Utility or Design Patent Application**Claim of Foreign Priority Benefits**

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

DECLARATION – Utility or Design Patent Application

Direct all correspondence to:	<input checked="" type="checkbox"/>	The address associated with Customer Number:	96411	OR	<input type="checkbox"/>	Correspondence address below
Name						
Address						
City State				Zip		
Country		Telephone		Email		
<p align="center">WARNING:</p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. Petitioner/applicant is advised that documents which form the record of a patent application (such as the PTO/SB/01) are placed into the Privacy Act system of records DEPARTMENT OF COMMERCE, COMMERCE-PAT-7, System name: <i>Patent Application Files</i>. Documents not retained in an application file (such as the PTO-2038) are placed into the Privacy Act system of COMMERCE/PAT-TM-10, System name: <i>Deposit Accounts and Electronic Funds Transfer Profiles</i>.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>						
NAME OF SOLE OR FIRST INVENTOR:			A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])			Family Name or Surname			
David Lafayette			Minock			
Inventor's Signature				Date		
Residence: City	State	Country	Citizenship			
Fenton	MI	US	US			
Mailing Address						
1043 S. Adelaide						
City	State	Zip	Country			
Fenton	MI	44842	US			
<input type="checkbox"/> Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.						

[Page 3 of 3]

PATENT

RECORDED: 07/24/2012

REEL: 028621 FRAME: 0526