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OMB No. 0651-0027 (exp. 04/30/2015)

U.S. DEPARTMENT OF COMMERCE
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RECORDATION FORM COVER SHEET PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)

Phillip C. Ruehl

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance/Execution Date(s):

Execution Date(s) 06/13/2013

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Joint Research Agreement
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License

☒ Other Correction by declaration to correct erroneously
filed patent Reel 026319, Frame 0266

2. Name and address of receiving party(ies)

Name: Phillip C. Ruehl

Internal Address: _____

Street Address: 9404 W. North Avenue

City: Wauwatosa

State: WI

Country: US Zip: 53226

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

☐ This document serves as an Oath/Declaration (37 CFR 1.63).

A. Patent Application No.(s)

B. Patent No.(s)

11/279,321

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Nicholas A. Kees

Internal Address: Godfrey & Kahn, S.C.

Street Address: 780 N. Water Street

City: Milwaukee

State: WI Zip: 53202

Phone Number: 414-273-3500

Docket Number: 072511-0001

Email Address: docketing@gklaw.com

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h) & 3.41) \$ _____

- ☐ Authorized to be charged to deposit account
☐ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

Deposit Account Number _____

Authorized User Name _____

9. Signature:

Signature

Date

Nicholas A. Kees

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

10

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Phillip C. Ruehl
Serial Number : 11/279,321
Filed : April 11, 2006
For : BOXED FRAME MEMBER AND METHOD
FOR MANUFACTURE
Examiner : William V. Gilbert
Group Art Unit : 3635
Confirmation No : 7949

**DECLARATION IN SUPPORT OF CORRECTION OF OWNERSHIP OF
APPLICATION IN FAVOR OF INVENTOR**

1. The present Declaration is submitted in support of the inventor's ownership of the above-identified patent application.
2. On May 20, 2011, a certain Gerard T. Gallagher executed a declaration stating in part that AM General, LLC is the owner of the application based on an earlier decision from the Patent and Trademark Office. This declaration included a reference to Section 323.01(c) of the Manual of Patent Examining Procedure, which is directed to correction of errors of a typographical nature. This declaration was recorded in the Assignment Branch of the United States Patent and Trademark Office at Reel 026319, Frame 0266, and was an attempt to transfer the actual ownership of the application to AM General, LLC.
3. Thus, the document recorded at Reel 026319, Frame 0266, was submitted with incorrect information. It was not a correction of a typographical error, as required under Section 323.01(c) of the Manual of Patent Examining Procedure.
4. On August 19, 2011, the Office of Petitions of the United States Patent and Trademark Office issued a decision (attached hereto as Exhibit A) on whether ownership had been

established by AM General, LLC. In that decision it was determined that AM General, LLC had not established its ownership and right to take action in the present application. The decision on petition states in part the following:

“AM General LLC, has not established its ownership and right to take action in the present application.”

5. Accordingly, the assignment records of the United States Patent and Trademark Office should reflect that this application has not been assigned to anyone by the inventor, and that the ownership of this application does currently reside, and has always resided, in the inventor. The undersigned requests that this document be accepted for recordation in order that the correct ownership information is reflected in the assignment records of the United States Patent and Trademark Office, that is, that the inventor has not assigned his rights to anyone.

6. The undersigned declares that all statements made herein of his 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 Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this Declaration or the above identified patent application.

Dated this 13th day of May, 2013.

/Nicholas A. Kees/
Nicholas A. Kees, Reg. No. 29,552

9609186.1

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED**AUG 19 2011****OFFICE OF PETITIONS**

Inventor: Phillip C. Ruehl
Application No. 11/279, 321
Filed: April 11, 2006

: DECISION REGARDING
: POWER OF ATTORNEY
:

The instant application has been forwarded to the Office of Patent Legal Administration for a determination of whether ownership by the assignee has been established pursuant to 37 CFR 3.71 and 3.73(b). This is a decision on who may control prosecution (and appoint a power of attorney and set forth the correspondence address to which the United States Patent and Trademark Office ("Office") will send its communications) in the instant application based on the instant file record.

The power of attorney set forth in the power of attorney document filed February 5, 2010, is recognized and the practitioners associated with Customer Number 20572 are recognized as having power of attorney in this application. Correspondence is being directed to the address associated with Customer Number 20572.

The power of attorney previously accorded to the practitioners associated with Customer Number 23642 in the Notice of Acceptance of Power of Attorney mailed July 1, 2011, is withdrawn.

No further revocations of power of attorney, or any other official correspondence, will be permitted by purported assignee AM General, LLC, based on the § 3.71 statements (information) currently of record, or subsequent § 3.73(b) statements referencing the documents recorded at reel 021368 and frame 0832 as evidence of the assignment.

History of Power of Attorney

The instant application was filed on April 11, 2006. On June 14, 2006, applicant filed, *inter alia*, a declaration, executed by and naming Phillip C. Ruehl as the sole inventor,

and a power of attorney document signed by Mr. Ruehl. The power of attorney appointed the practitioners associated with Customer Number 20572 and directed correspondence to the address associated with Customer Number 20572.

On November 5, 2007, a statement under 37 CFR 3.73(b) (hereinafter, "§ 3.73(b) statement") and power of attorney document were filed. The § 3.73(b) statement identified AM General, LLC as the assignee of the entire right title and interest and was signed by Kevin D. O'Rear, Vice President and General Counsel, AM General LLC. Paragraph "B," subpart "1" of the § 3.73(b) statement was completed, however, neither a copy of an assignment was attached nor were reel and frame information provided in accordance with 37 CFR § 3.73(b)(1)(i) or (ii). The power of attorney attempted to appoint the practitioners associated with Customer Number 27187.

Also on November 5, 2007, a document titled, "Supplemental Statement Under 37 CFR § 3.73(b) For Establishing the Right of Assignee to Take Action," signed by counsel, a copy of a petition under 37 CFR 1.47(b) filed in Application No. 11/670,217, and a copy of the decision on petition mailed April 13, 2007 in Application No. 11/670,217, were filed in the instant application.

On September 2, 2008, a § 3.73(b) statement and a power of attorney document were filed, signed by Kevin D. O'Rear, Vice President and General Counsel, AM General, LLC. Paragraph "A" of the § 3.73(b) statement was completed and identified reel 021368, frame 0832, as the location of the documentary evidence in the Office's records. The power of attorney appointed the practitioners associated with Customer Number 27187 and directed correspondence to the address associated with Customer Number 27187.

On September 10, 2008, the Office mailed notices of revocation and acceptance in response to the power of attorney filed September 2, 2008. The power of attorney to practitioners associated with Customer Number 20572 was revoked, and power of attorney to the practitioners associated with Customer Number 27187 was recognized.

On October 23, 2008, a power of attorney signed by inventor Phillip C. Ruehl to the practitioners associated with Customer Number 20572, a document titled, "Inventor's Counter Statement to AM General's Statement Under 37 CFR § 3.73(b) for Establishing the Right to Take Action" and a declaration by Phillip C. Ruehl were filed.

On October 30, 2008, the Office mailed notices of revocation and acceptance in response to the power of attorney filed October 23, 2008. The power of attorney to the practitioners associated with Customer Number 27187 was revoked, and power of attorney to the practitioners associated with Customer Number 20572 was recognized.

On April 29, 2009, a power of attorney signed by Daniel J. Dell'Orto, Senior Vice President and General Counsel, AM General LLC, was filed. The power of attorney appointed the practitioners associated with Customer Number 23642 and directed correspondence to the address associated with Customer Number 23642. The power was

accompanied by a document titled, "AM General's Response to Inventor's Counter-Statement to AM General's Statement Under 37 CFR § 3.73(b) for Establishing the Right to Take Action." The power of attorney was not accompanied by a § 3.73(b) Statement.

On August 31, 2009, the Office mailed notices of revocation and acceptance in response to the power of attorney filed April 29, 2009. The power of attorney to the practitioners associated with Customer Number 20572 was revoked, and power of attorney to the practitioners associated with Customer Number 23642 was recognized.

On February 5, 2010, a power of attorney signed by inventor Phillip C. Ruehl to the practitioners associated with Customer Number 20572, a document titled, "Inventor's Response to AM General's Response to Inventor's Counter-Statement to AM General's Statement Under 37 CFR § 3.73(b) for Establishing the Right to Take Action," and a declaration signed by Mr. Ruehl, were filed. Also on February 5, 2010, a Request for Continued Examination (RCE), request for reconsideration and a "Declaration of Phillip C. Ruehl in Support of Patentability" were filed. The RCE and request for reconsideration were signed by Jennifer Racine, one of the practitioners associated with Customer Number 20572 and appointed by the inventor in the powers of attorney filed June 14, 2006, October 23, 2008, and February 5, 2010.

On March 2, 2010, a non-final Office action was mailed.

On September 2, 2010, a response to the Office action was filed along with a three-month extension of time and an information disclosure statement (IDS). The extension of time fee was paid at the small entity fee amount, \$555. The thirteen-page responsive amendment and IDS were signed by Jennifer Racine.

Also on September 2, 2010, a 7-page response to Office action was filed along with a three-month extension of time and an IDS. The extension of time fee was paid at the non-small fee amount, \$1110. The amendment and IDS were signed by Gerard Gallagher, one of the practitioners associated with Customer Number 23642 and appointed by purported assignee AM General, LLC in the power of attorney document filed April 29, 2009.

On November 23, 2010, a non-final Office action was mailed that was responsive to the claims as presented in the amendment signed by Jennifer Racine, one of the practitioners associated with Customer Number 20572 and appointed by the inventor in the powers of attorney filed June 14, 2006, October 23, 2008, and February 5, 2010.

On November 24, 2010, the Office mailed notices of revocation and acceptance in response to the power of attorney filed February 5, 2010. The power of attorney to the practitioners associated with Customer Number 23642 was revoked, and power of attorney to practitioners associated with Customer Number 20572 was recognized.

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On February 9, 2011, the Office restarted the period for reply to the non-final Office action mailed November 23, 2010, and a copy was mailed to the correspondence address of record (i.e., the address associated with Customer Number 20572).

On May 9, 2011, a 13-page response to Office action was filed. The response was signed by Jennifer Racine on behalf of the inventor.

On May 20, 2011, a 10-page response to Office action was filed. The response was signed by Gerard Gallagher, one of the practitioners associated with Customer Number 23642 and appointed by purported assignee AM General LLC in the power of attorney document filed April 29, 2009. The response was accompanied by a three-month extension of time, the non-small entity extension of time fee (\$1110), a copy of the decision on petition mailed April 13, 2007 in Application No. 11/670,217, a copy of the § 3.73(b) statement filed in the instant application on September 2, 2008, and a power of attorney document signed by Kevin D. O'Rear. The power of attorney appointed the practitioners associated with Customer Number 27187 and directed correspondence to the address associated with Customer Number 27187.

On May 27, 2011, the Office mailed notices of revocation and acceptance in response to the power of attorney filed February 5, 2010. The power of attorney to the practitioners associated with Customer Number 20572 was revoked, and power of attorney to the practitioners associated with Customer Number 27187 was recognized.

On June 24, 2011, a § 3.73(b) statement and power of attorney document were filed. The § 3.73(b) statement was signed by Gerard Gallagher on behalf of AM General LLC and identified reel 021368, frame 0832, as the location of the documentary evidence in the Office's assignment records. The power of attorney was a copy of the power filed April 29, 2009 and references Customer Number 23642.

On July 1, 2011, the Office mailed notices of revocation and acceptance in response to the power of attorney filed February 5, 2010. The power of attorney to the practitioners associated with Customer Number 27187 was revoked, and power of attorney to the practitioners associated with Customer Number 23642 was recognized.

Alleged Assignee AM General LLC

AM General LLC has attempted to give power of attorney on the following occasions, based on it being the assignee:

November 5, 2007 – the § 3.73(b) statement was defective on its face in that neither a copy of the documentary evidence, nor a reel and frame where such evidence could be viewed in the Office's assignment records, was provided.

September 2, 2008 – the § 3.73(b) statement referenced reel 021368 and frame 0832 for the assignment.

April 29, 2009 – a § 3.73(b) statement was not supplied.

May 20, 2011 – a copy of the September 2, 2008 § 3.73(b) statement was supplied.

June 24, 2011 – a new § 3.73(b) statement was submitted again that again referenced reel 021368 and frame 0832 for the assignment.

Decision on Assignment Document Recorded at Reel/Frame 021368/0832

AM General, LLC relies on the documents recorded at reel 021368, frame 0832, as proof that it is assignee of the instant application. The documents recorded at reel 021368, frame 0832, identified as documentary evidence establishing ownership are:

1. Two purchase orders;
2. A copy of the decision mailed April 13, 2007, granting a petition under 37 CFR § 1.47(b) in Application No. 11/670,217, the subject matter of which “is identical”¹ to the instant application.

37 CFR 3.21 states:

An assignment relating to a patent must identify the patent by the patent number. **An assignment relating to a national patent application must identify the national patent application by the application number (consisting of the series code and the serial number, e.g., 07/123,456).** An assignment relating to an international patent application which designates the United States of America must identify the international application by the international application number (e.g., PCT/US90/01234). **If an assignment of a patent application filed under § 1.53(b) is executed concurrently with, or subsequent to, the execution of the patent application, but before the patent application is filed, it must identify the patent application by the name of each inventor and the title of the invention so that there can be no mistake as to the patent application intended.** If an assignment of a provisional application under § 1.53(c) is executed before the provisional application is filed, it must identify the provisional application by the name of each inventor and the title of the invention so that there can be no mistake as to the provisional application intended. (Emphasis added.)

The document recorded at Reel 021368, Frame 0832 does not comply with 37 CFR 3.21 as it fails to adequately identify the instant application. While the purchasing orders and Mutual Confidentiality Agreement, taken together, were deemed to show “sufficient proprietary interest to make the application for behalf of and as agent for all the inventors” in accordance with 37 CFR 1.47(b), these documents are insufficient in establishing the higher standard of actual ownership of the invention in accordance with 37 CFR 3.71. Examples of documents establishing evidence of actual ownership include an executed assignment, an order of a court that details and decrees ownership of the invention, etc. Sufficient evidence of actual ownership has not been provided.

AM General, LLC, has repeatedly asserted a sentence from the petition decision mailed April 13, 2007, in Application No. 11/670,217:

¹ Page 2 of the November 5, 2007 paper.

In addition, petitioner has provided a copy of two executed Purchasing Orders and an executed Mutual Confidentiality Agreement that, taken together, establish that Mr. Ruehl had an obligation to assign his rights in the invention to AM, General, LLC.

The statement in the decision on petition relates only to the decision on the petition under 37 CFR 1.47(b); it is not a determination of ownership of the invention. Furthermore, it should be noted that recording of the assignment is merely a ministerial act; it is neither an Office determination of the validity of the assignment document nor the effect of the assignment document on the ownership of the patent property. See MPEP §§ 301 and 317.03.

37 CFR 3.54 provides that, "When necessary, the Office will determine what effect a document has, including whether a party has the authority to take an action in a matter pending before the Office." The instant application was filed on behalf of sole inventor, Ruehl, by Nicholas Kees, an attorney associated with Customer Number 20572 and subsequently appointed by Mr. Ruehl on February 5, 2010, in a power of attorney to the practitioners associated with Customer Number 23869. Power of attorney was not established via an assignee. Therefore, the ownership entity filing the instant application was the sole inventor Ruehl.

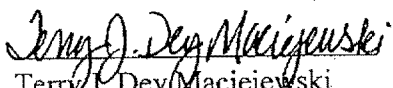
AM General LLC, has not established its ownership and right to take action in the present application. No further revocations of power of attorney, or any other official correspondence, will be permitted by assignee AM General, LLC, based on the § 3.71 statements (information) currently of record.

Processing

After mailing of this decision, the application file record will be updated to identify as practitioners of record the practitioners associated with Customer Number 20572. The correspondence address will be updated to the address associated with Customer Number 20572.

Status of Application

The application has been docketed to the patent examiner for consideration of the response filed May 9, 2011. In view of the above, the response and information disclosure statement filed September 5, 2010, and the response filed May 20, 2011, signed by Gerard Gallagher, are not signed in accordance with 37 CFR 1.33(b) and will be closed.



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