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SEP 03 2003

OFFICE OF PETITIONS

In re Application of :
Jason M. Hendler :
Application No. 10/453,841 : DECISION GRANTING PETITION
Filed: 3 June, 2003 :
Atty Dckt No. D029/069987-030 :

This is a decision on the petition under 37 CFR 1.10(c) filed on 23 June, 2003, requesting that the above-identified application be accorded a filing date of 3 June, 2003, instead of the presently accorded filing date of 4 June, 2003.

The petition is GRANTED.

Petitioner asserts that the application was deposited in Express Mail service on 3 June, 2003. In support, petitioners have provided a copy of USPS Express Mail Customer Online Record No. E0000740333US (the same Express Mail number found on the itemized Utility Patent Application Transmittal sheet filed with the original application papers located in the official file). While the Customer Online Record does not contain a "date-in", it does contain an Official USPS Postmark dated 3 June, 2003. Furthermore, a review of the USPS.com Internet database shows that the Express Mail shipment bearing the above-identified Express Mail number was "Enroute" on 3 June, 2003.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is 3 June, 2003.

In view of the above, the application is entitled to a filing date of 3 June, 2003.

The petition is granted. No petition fee has been submitted and none is due.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of 3 June, 2003,

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and for issuance of a corrected Filing Receipt.

Telephone inquiries may be directed to the undersigned at 703-308-6918.



Douglas I. Wood
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