

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Mark T. Montgomery *et al.*

Application No.: 11/769,565

Filed: June 27, 2007

For: MULTIMODE ANTENNA STRUCTURE

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Confirmation No.: 5042

Art Unit: 2821

Examiner: T. G. Phan

**RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Non-Final Office Action mailed August 6, 2008, Applicants respectfully submit a Power of Attorney, Statement under 37 CFR 3.73(b), and an Information Disclosure Statement.

Applicants request a one-month extension of time to respond to the Office Action.

The Examiner provisionally rejected claims 1, 2, 5, 6, 23, 28, and 29 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 17-19, 21, 26, and 27 of co-pending U.S. Application No. 12/099,320. Applicants request that the rejection be held in abeyance until either the present application or U.S. Application No. 12/099,320 issues, at which time an assessment as to the necessity for a Terminal Disclaimer can be made.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-1448, under Order No. SCJ-001.01.

Dated: December 8, 2008

Respectfully submitted,

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