

DA-WO156710

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
: Fumiaki Onodera : **Confirmation No. 1023**
: Serial No. PCT/US2017/021255 :
: Filed: March 8, 2017 :
: For: CENTRIFUGAL COMPRESSOR :
: WITH CASING TREATMENT BYPASS :

RESPONSE TO INVITATION TO CORRECT PRIORITY CLAIM

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

In response to the March 17, 2017 Invitation to Correct Priority Claim (copy attached) in the International Application, the priority date in the PCT Request form was typed 03/11/2016 (month/day/year) instead of **11/03/2016** (day/month/year), 11 Mar 2016, in error. It was a typographical error and unintentional. Accordingly, **please correct the priority date to be March 11, 2016 (11/03/2016)**. Attached is a corrected page 3 of the PCT Request form and a corrected transmittal letter, with the date in the correct format. This constitutes a Notice under PCT R.26bis.

There was not a delay in claiming the right to priority and in fact the claim was made at the appropriate time and the correct date appears in the Request in some locations. Therefore, no fee under 1.17(m) or Statement to Restore the Right of Priority is believed to be required. However, if necessary, the commissioner is authorized to charge the fee under 1.17(m) or any fees associated with this communication or credit any overpayment to Deposit Account No. 50-1836.

In addition, if necessary Applicants hereby states that any delay in filing the international application within the priority period was unintentional. As mentioned above, it is believed that the international application was filing within the priority period and there was merely a typographical error in the date format of the priority filing date, and thus, it is not believed these sections apply. However, these are included in case some other determination is made.

Respectfully submitted,

/Patrick A. Hilsmier /

Patrick A. Hilsmier

Reg. No. 46,034

GLOBAL IP COUNSELORS, LLP
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Washington, DC 20036
(202)-293-0444

Dated: April 7, 2017

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Priority.docx

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

PCT

**INVITATION TO CORRECT PRIORITY CLAIM
AND/OR NOTIFICATION OF POSSIBILITY
TO REQUEST RESTORATION OF
THE RIGHT OF PRIORITY**

(PCT Rules 4.10, 26bis.1, 26bis.2(a) and (b), 26bis.3)

To:
**PATRICK A. HILSMIER
 GLOBAL IP COUNSELORS, LLP
 1233 TWENTIETH STREET, NW, SUITE 600
 WASHINGTON, DISTRICT OF COLUMBIA 20036**

Date of mailing
(day/month/year) **17 Mar 2017**

Applicant's or agent's file reference
DA-WO156710

REPLY DUE
 See items 1 and 2

International application No.
PCT/US2017/021255

International filing date
(day/month/year) **08 Mar 2017**

Priority date (day/month/year)
03 Nov 2016

Applicant
DAIKIN APPLIED AMERICAS INC.

1. The applicant is hereby invited to correct, by a notice submitted to the receiving Office, within the time limit indicated below, defects in the priority claim as indicated in Annex A.
Time limit to respond to this Invitation (Rule 26bis.1(a)):
 - within 16 months from the (earliest) priority date; or
 - if the (earliest) priority date is changed as a result of the correction or addition of the (earliest) priority claim, within 16 months from that (earliest) priority date so changed,
 whichever expires first, provided that such a notice may, in any event, be submitted until the expiration of four months from the international filing date.
Failure to respond to this Invitation within the prescribed time limit may result in the priority claim concerned to be considered void for the purposes of the procedure under the PCT (Rule 26bis.2(b)).

 2. The international filing date of the international application is later than the date on which the priority period (Rule 2.4) expired but is within two months from that date. The applicant is hereby notified of the possibility of submitting to the receiving Office, within the time limit indicated below, a request to restore the right of priority as indicated in Annex B.
Time limit to request the restoration of the right of priority (Rule 26bis.3(e)):
 within two months from the date on which the priority period expired.

 3. In the case where multiple priorities have been claimed, this notice relates to the following priority claim:
ITEM 1
- A copy of this Invitation/Notification is being sent to the International Bureau.

Name and mailing address of the receiving Office
 Mail Stop PCT, Commissioner for Patents
 P.O. Box 1450, Alexandria, VA 22313-1450
 Facsimile No. 571-273-8300

Authorized officer
Tyetta Young
 Telephone No. 571-272-9045

ANNEX A TO FORM PCT/RO/110

International application No.

PCT/US2017/021255

This receiving Office has found the following defects in the priority claim(s):

1. Failure to Comply with the Requirements of Rule 4.10

- a. **National application**
- Missing indication of the filing date of the earlier application.
 - Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.¹
 - Missing indication of the number of the earlier application.²
 - Missing indication of the country party to the Paris Convention for the Protection of Industrial Property, or of the Member of the World Trade Organization that is not party to that Convention, in which the earlier national application was filed.
 - The country indicated is neither a party to the Paris Convention for the Protection of Industrial Property nor a Member of the World Trade Organization.
- b. **Regional application**
- Missing indication of the filing date of the earlier application.
 - Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.¹
 - Missing indication of the number of the earlier application.²
 - Missing indication of the authority entrusted with the granting of regional patents under the applicable regional patent treaty.
 - The authority indicated as the authority entrusted with the granting of regional patents does not grant regional patents.
 - The priority claim in relation to the ARIPO application does not indicate either at least one country party to the Paris Convention for the Protection of Industrial Property, or at least one Member of the World Trade Organization, for which the earlier application was filed.
- c. **International application**
- Missing indication of the filing date of the earlier application.
 - Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.¹
 - Missing indication of the number of the earlier application.²
 - Missing indication of the receiving Office with which it was filed.

2. Inconsistency with the Corresponding Indications in the Priority Document²

- a. Inconsistency with regard to the filing date of the earlier application:
 The request indicates: 11 MARCH 2016
 The priority document indicates: 03 NOVEMBER 2016
- b. Inconsistency with regard to the number of the earlier application:
 The request indicates:
 The priority document indicates:
- c. Inconsistency with regard to the country party to the Paris Convention for the Protection of Industrial Property or the Member of the World Trade Organization in which the national application was filed:
 The request indicates:
 The priority document indicates:
- d. Inconsistency with regard to the authority entrusted with the granting of *regional patents* under the applicable regional patent treaty:
 The request indicates:
 The priority document indicates:
- e. Inconsistency with regard to the receiving Office with which the international application was filed:
 The request indicates:
 The priority document indicates:

¹ If the international filing date is later than the date on which the priority period expired, but is within two months from that date, the priority claim will not be considered void (Rule 26bis.2(c)(iii)).

² Even if this defect is not corrected in response to this Invitation, the priority claim concerned will not be considered void (Rule 26bis.2(c)(i) and (ii)).

NOTIFICATION OF POSSIBILITY TO REQUEST RESTORATION OF THE RIGHT OF PRIORITY
(Rule 26bis.3)

The international filing date of the international application is later than the date on which the priority period (Rule 2.4) expired but is within two months from that date. If the filing date of the earlier application has been indicated correctly and no request for correction of that filing date is submitted under Rule 26bis.1(a), the applicant may submit to the receiving Office, within the time limit indicated below, a request to restore the right of priority.

REQUEST TO RESTORE THE RIGHT OF PRIORITY

The request to restore the right of priority must be filed within two months from the date on which the priority period expired provided that, where the applicant makes a request for early publication under Article 21(2)(b), the request must be submitted before technical preparations for international publication have been completed (Rule 26bis.3(e)).

The request to restore the right of priority must state the reasons for the failure to file the international application within the priority period. This receiving Office will restore the right of priority if it finds that the following criterion or one of the following criteria for restoration is satisfied, namely that the failure to file the international application within the priority period:

occurred in spite of due care required by the circumstances having been taken

and/or

was unintentional

This receiving Office may invite the applicant to furnish a declaration or other evidence in support of the statement of reasons (Rule 26bis.3(f)). Preferably, such declaration or other evidence should already be furnished together with the request for restoration of the right of priority.

FEE PAYMENT

The submission of the request to restore the right of priority is subject to the payment of a fee, payable within two months³ from the date on which the priority period expired, in the amount of:

_____ (amount/currency) for restoration based on the criterion of due care:

or

See 37 CFR 1.17(m) (amount/currency) for restoration based on the criterion of unintentional.

No fee payment is required.

³ The receiving Office may extend the time limit for payment of the fee for a period of up to two months from the expiration of this time limit.