

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF DECISION CONCERNING
REQUEST FOR RECTIFICATION

(PCT Rule 91.3(a) and (d))

To:
GARY SERBIN
KOFFSKY SCHWALB LLC
349 FIFTH AVENUE, SUITE 733
NEW YORK, NEW YORK 10016

Date of mailing (day/month/year)	06 Sep 2018
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Applicant's or agent's file reference 1304-0002

REPLY DUE	NONE
	However, see last paragraph below

International application No. PCT/US2018/038956

International filing date (day/month/year)	22 Jun 2018
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Applicant ABLER, JEFFREY A

The applicant is hereby notified that this International Searching Authority has considered the request for rectification of obvious mistakes in the international application/in other documents submitted by the applicant to this Authority, and has decided:

1. a. to authorize the rectification:

as requested by the applicant.

to the extent set forth below*:

b. The rectification **will be or has been taken into account** for the purposes of the international search (Rule 43.6bis(a)).

The rectification **has not been taken into account** because it was authorized by this Authority after this Authority has begun to draw up the international search report (Rule 43.6bis(b)).

2. to refuse to authorize the rectification or part of it for the following reasons*:

The communication filed on 06 AUG 2018 is considered to be a request for rectification under PCT Rule 91 concerning replacement drawing sheets 4/11-10/11 that include content not identical to the sheet(s) to be replaced.

(Please See Continuation Sheet)

A copy of this notification, together with a copy of the applicant's request for rectification, has been sent to the receiving Office and to the International Bureau.

* **If the authorization of the rectification has been refused in whole or in part**, the applicant may request the International Bureau, within two months from the date of the refusal and subject to the payment of a special fee, to publish the request for rectification and the reasons for refusal by this Authority and any further brief comments that may be submitted by the applicant together with the international application. See Rule 91.3(d) and, for the amount of the fee, see the *PCT Applicant's Guide*, Volume I, Annex B2(IB).

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

Authorized officer Nina D Motley Telephone No. 571-272-9027

**NOTIFICATION OF DECISION CONCERNING
REQUEST FOR RECTIFICATION**

International application No.

PCT/US2018/038956

This communication is in reply to applicant's paper filed in the Patent and Trademark Office on
06 AUG 2018

Obvious mistakes may be corrected before the ISA/US in accordance with PCT Rule 91.1 (c), which provides that "the competent authority shall authorize the rectification under this Rule of a mistake if, and only if, it is obvious to the competent authority that, as at the applicable date under paragraph (f), something else was intended than what appears in the document concerned and that nothing else could have been intended than the proposed rectification."

In the present case, the proposed rectification does not meet the 2-part test:

1. It is not apparent to the ISA/US that a mistake has occurred in sheets 4/11-10/11 filed 22 June 2018.

2. It is not obvious to the ISA/US that nothing else could have been intended than the proposed rectification: FIGS 4-10 text omitted, graph modified, and surface details altered.

Therefore, the ISA/US has decided to REFUSE the proposed rectification.

See Note below for information concerning an amendment to the international application.

Note that during Chapter I proceedings, changes to the description, claims and drawings may only be entered upon approval by the International Searching Authority if the changes comply with Rule 91.1(c). However, applicant may submit these changes for consideration as an amendment under PCT Article 34 along with the Demand when entering Chapter II under the provisions of the Patent Cooperation Treaty, or by submitting the changes upon entry in the National Stage. The amendments may only be entered if they do not go beyond the disclosure of the international application as filed. Additionally, Article 34 amendments submitted during Chapter II must also be in compliance with PCT Rules 11.14 and 66.