

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: 3646
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Christopher H. Cooper et. al.) Examiner: Davis, Sharon M.
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Application No.: 13/089,986) Confirmation No.: 1497
)
Filed: April 19, 2011)
)
For: METHOD OF GENERATING)
ENERGY AND ⁴He USING THREE)
DIMENSIONAL)
NANOSTRUCTURED CARBON)
MATERIALS)

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

Commissioner:

REQUEST FOR PERSONAL INTERVIEW WITH THE EXAMINER

This application is the result of filing a Request for Continuing Examination (RCE) that included an Information Disclosure Statement, an Application Data Sheet, a Declaration, and a Response to the issues raised by the Examiner in the parent application. Applicants have addressed all the substantive issues raised in the Final Rejection of this application and claims 1-17, 19-26, 28-36, and 39-48 are pending.

REQUEST

Applicants request a personal interview with the Examiner for this application in accordance with MPEP 713.01 and MPEP 713.02. While there has been no first action on the merits of this RCE application, the issues have been fully addressed in the

prosecution of the parent application and a personal interview will, in the opinion of the Applicants, advance the prosecution of this application.

The following issues would be discussed:

1. The content and relevance of “Visible-Light-Induced Water-Splitting in Channels of Carbon Nanotubes,” J. Phys.Chem. B, 110, No. 4, (2006) 1571-1575, previously made of record in this application.

2. The content and relevance of an article dated April 26, 2016, “New state of water molecule discovered” (<http://phys.org/news/201604statemolecule>), previously made of record in this application.

3. The position of the USPTO that the applicants are required to publish their work in a “peer-reviewed, mainstream scientific journal” before it can be considered credible and that such publication is a condition precedent for the technology to be considered to have utility under 35 USC §101.

4. The specific reasons the USPTO asserts that the declarations of Mr. Loan under 37 CFR 1.132, that are of record in this application, are considered “not persuasive” and are not considered “*significant, quantitative demonstration[s]*” that the disclosed invention is “a viable source of energy.” [italics in original].

5. The legal support for the assertion by the Examiner that: “Cold fusion, to date, has not been recognized by the U.S.P.T.O. as a viable source of energy, and absent *significant, quantitative demonstration to refute this position*, no patent application related to this technology can be seriously entertained.” [italics in original].

6. The existence of any directive to the USPTO by another government agency instructing the USPTO how to respond to patent applications directed to what is referred to as “cold fusion,” or “low energy nuclear reactions,” or LENR.

7. Any support for the Examiner’s assertion that production of energy from a reaction between deuterium and carbon nanotubes is not capable of providing a useful output.

8. Any support for the Examiner’s assertion that the “cold fusion” work of Pons and Fleischmann has relevance to the invention of this application.

9. The scope and content U.S. Patent Publ. 2009/0086877 to Hagelstein.

The time and place for the personal interview can be mutually agreed upon between the Examiner and the undersigned.

Applicants do not consent to a non-personal interview because the written prosecution of this application has demonstrated that the issues of patentability for this technology are unique and controversial. Such issues are best addressed where neither the Applicant nor the USPTO can advance positions that are either inflammatory or personal positions not supported by the law and facts.

Participant for the Applicant – Stephen L. Peterson

The sole exhibit will be the report from Lawrence Livermore National Laboratories noted and discussed in the Loan Declarations, but not made of record in accordance with in accordance with 37 CFR 1.105(3).

The arguments to be presented are that the application discloses and claims an operable, useful invention with a description of the invention that is sufficiently complete so that one could make and use the invention without undue experimentation. The

theory of operation of the invention need not be disclosed. That the claimed technology is nowhere disclosed by the references advanced by the USPTO as prior art.

The suggested form (PTOL-413A) is attached hereto. The content of the present Request is intended to be identical in scope to the information in the attached PTOL-413A.

Respectfully submitted,

Dated: January 6, 2017

By: /Stephen L. Peterson/
Reg. No. 26,325

Attached: PTOL-413A

Applicant Initiated Interview Request Form

Application No.: 13/089,986 First Named Applicant: Christophe H. Cooper
 Examiner: Sharon M. Davis Art Unit: 3646 Status of Application: Pending

Tentative Participants:

(1) Stephen L. Peterson (2) Sharon M. Davis
 (3) _____ (4) _____

Proposed Date of Interview: To be determined Proposed Time: to be determined (AM PM)

Type of Interview Requested:

(1) Telephonic (2) Personal (3) Video Conference

Exhibit To Be Shown or Demonstrated: YES NO

If yes, provide brief description: Lawrence Livermore Report mentioned in Applicants responses.

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rejection</u>	<u>all claims</u>	<u>Hagelstein</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rejection</u>	<u>all claims</u>	<u>35 USC 101</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>Rejection</u>	<u>all claims</u>	<u>35 USC 112</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continuation Sheet Attached Proposed Amendment or Arguments Attached

Brief Description of Arguments to be Presented: Applicant has specifically set out all the issues subsumed in the issues noted in the form above in the attached separate Request for interview document.

An interview was conducted on the above-identified application on _____

NOTE: This form should be completed and filed by applicant in advance of the interview (see MPEP § 713.01). If this form is signed by a registered practitioner not of record, the Office will accept this as an indication that he or she is authorized to conduct an interview on behalf of the principal (37 CFR 1.32(a)(3)) pursuant to 37 CFR 1.34. This is not a power of attorney to any above named practitioner. See the Instruction Sheet for this form, which is incorporated by reference. By signing this form, applicant or practitioner is certifying that he or she has read the Instruction Sheet. After the interview is conducted, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible. This application will not be delayed from issue because of applicant's failure to submit a written record of this interview.

/s/ Stephen L. Peterson
 Applicant/Applicant's Representative Signature

 Examiner/SPE Signature

Stephen L. Peterson
 Typed/Printed Name of Applicant or Representative

202 251 9367
 Applicant's/Applicant's Representative's Telephone Number

26,325
 Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Acknowledgement Receipt

EFS ID:	31426724
Application Number:	13089986
International Application Number:	
Confirmation Number:	1497
Title of Invention:	METHOD OF GENERATING ENERGY AND 4HE USING THREE DIMENSIONAL NANOSTRUCTURED CARBON MATERIALS
First Named Inventor/Applicant Name:	Christopher H. Cooper
Correspondence Address:	Stephen L. Peterson - PO BOX 319 - CRESTON CA 93432-0319 US - steve@petersonipc.com
Filer:	Stephen Leroy Peterson
Filer Authorized By:	
Attorney Docket Number:	DE-1
Receipt Date:	06-JAN-2018
Filing Date:	19-APR-2011
Time Stamp:	13:52:18
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Requesting Interview with Examiner	reqforint.pdf	116666	no	4
			de5288c3fc874c5516a2a6b24b7eaeef62f84d7c		

Warnings:

Information:

2	Letter Requesting Interview with Examiner	pto413a.pdf	206988	no	1
			6deab64252fac77cd048c83ff601ba9d3511a8e		

Warnings:

Information:

Total Files Size (in bytes):			323654		
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.