EXHIBITS A-E

SEE THE INITIAL COMMENTS DATED OCTOBER 1, 2007
EXHIBIT F (REPLACEMENT)
Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
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<th>APPLICATION NO.</th>
<th>FILING DATE</th>
<th>FIRST NAMED INVENTOR</th>
<th>ATTORNEY DOCKET NO.</th>
<th>CONFIRMATION NO.</th>
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DATE MAILED: 02/02/2005
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [name redacted], can be reached on [phone number redacted]. The fax phone number for the organization where this application or proceeding is assigned is [fax number redacted].

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

[Signature redacted]
Primary Examiner
Art Unit [redacted]
January 14, 2005
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [redacted] whose telephone number is [redacted]. The examiner can normally be reached on Monday-Friday from 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [redacted] can be reached on [redacted]. The fax phone number for this Group is [redacted]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is [redacted]

August 26, 1999
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Group Art Unit: 

Serial No. 

Docket No. 

Filed: 

For: 

PETITION FOR AN EXAMINER'S ANSWER
UNDER 37 CFR 1.181(A)(3)

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

The Applicant respectfully petitions the Commissioner for his intervention to direct the Examiner to expeditiously provide the Applicant with an Examiner's Answer in response to the Applicant's Appeal Brief.

Examination in the instant application proceeded to the taking of an appeal and the timely filing of an Appeal Brief on August 28, 2000. An Examiner's Answer was due within two months.

The examiner should furnish the appellant with a written statement in answer to the appellant's brief within 2 months after the receipt of the brief by the examiner.

See MPEP 1208 (emphasis added). The importance of an examiner expeditiously furnishing an Examiner's Answer is even more compellingly illustrated by the fact that an Examiner's Answer takes "precedence" and "priority" over special applications.

Certain procedures by the examiners [examiner's answers] take precedence over actions even on special cases....

Applications in which practice requires that the examiner act within a set period, such as 2 months after
appellants brief to furnish the examiner's answers (MPEP § 1208) necessarily takes priority over special cases without specific time limits.

See MPEP 708.01 (emphasis added). Nevertheless, it has been over five (5) months and the Applicant has not received an Examiner's Answer. This is a blatant violation of the plain requirements of the PTO and of the right's of the Applicant.

Even the United States Congress discourages delays by the PTO. The United States Congress, in the term extension provision of the American Inventors Protection Act of 1999, sent the clear message that undue delay by the PTO is unacceptable.

A significant additional delay is caused by a Notice of Non-Compliance under 37 CFR 1.192 generated by the Examiner. This Notice is improper and unnecessary; and the Examiner does not have authority to thus further delay the Examiner's Answer. The Appellant met all of the requirements of 37 CFR 1.192 -- hence the Examiner must provide the required Examiner's Answer. The issue of the claims being separately patentable and not standing or falling together is clearly set out in Section VII of the Appeal Brief with cites to the sections and exhibits of the Appeal Brief and to the controlling law of the Federal Circuit. The Examiner's ignoring of this material does not overcome his lack of authority to refuse to provide an Examiner's Answer in a timely manner.

In view of the above, the Commissioner is hereby petitioned to direct the Examiner to immediately prepare an Examiner's Answer in the instant application or, alternatively, to pass the instant application to issue.

Because this petition seeks to invoke the Supervisory Authority of the Commissioner, a petition fee is not required.
Please charge any fees associated with the papers transmitted herewith to Deposit Account No. 08-3626, including any fees that may be required but are not set forth above. A Declaration claiming small entity status has been filed herein.

Respectfully submitted,

Dated: January 19, 2001
This is in response to appellant's brief on appeal filed August 28, 2000. To assist the reader in navigating this lengthy Answer, the Examiner has provided the following Table of Contents.
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Primary Examiner

Appeal Conference Conferees:

(Primary Examiner)
(SPE)
(Primary Examiner)

August 3, 2001
EXHIBIT G
SEE THE INITIAL COMMENTS DATED OCTOBER 1, 2007
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☐ Responsive to communication(s) filed on 2/9/98

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☐ Claim(s) is/are pending in the application.

☐ Of the above claim(s) is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☐ Claim(s) is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claim(s) are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _______________ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _______________ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number)

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).

☐ Notice of References Cited, PTO-892

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-1

☐ Other

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is [redacted].

September 17, 1998
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☐ Responsive to communication(s) filed on 6/23/99
☐ This action is FINAL.
☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claim

☐ Claim(s) are pending in the application.
☐ Of the above claim(s) is/are withdrawn from consideration.
☐ Claim(s) is/are allowed.
☐ Claim(s) is/are rejected.
☐ Claim(s) is/are objected to.
☐ Claim(s) are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The proposed drawing correction, filed on is approved ☐ disapproved.
☐ The drawing(s) filed on is/are objected to by the Examiner.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
☐ received in Application No. (Series Code/Serial Number)
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
*Certified copies not received:

Attachment(s)

☑ Information Disclosure Statement(s), PTO-1449, Paper No(s).
☐ Interview Summary, PTO-413
☐ Notice of Reference(s) Cited, PTO-892
☐ Notice of Informal Patent Application, PTO-652
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Other
A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.
communications from the examiner should be directed to whose telephone number is. The examiner can normally be reached on Monday-Friday from 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, can be reached on . The fax phone number for this Group is .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is.

December 20, 1999
This is in response to appellant's brief on appeal filed September 1, 2000. To assist the reader in navigating this lengthy Answer, the Examiner has provided the following Table of Contents.
Section IX is titled "Conclusion". In this section, Appellant reiterates the arguments presented in the previous sections. The arguments presented in response to these sections, above, are thus referenced in response.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

[Handwritten signature]

Primary Examiner

Appeal Conference Conferees:

[Handwritten signatures]

September 6, 2001
Please find below and/or attached an Office communication concerning this application or proceeding.
1. The reply brief filed November 13, 2001, has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [Name] whose telephone number is [Phone number]. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [Name], can be reached on [Phone number]. The fax phone number for the organization where this application or proceeding is assigned is [Fax number].

   Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is [Phone number].

February 1, 2002
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte

Appeal No.
Application

HEARD: July 14, 2004


DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the final rejection of claims, all of the pending claims. Claims have been canceled. We affirm-in-part.
Please find below and/or attached an Office communication concerning this application or proceeding.
**Office Action Summary**

--- The MAILING DATE of this communication appears on the cover sheet with the correspondence address ---

<table>
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<th>Period for Reply</th>
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<tr>
<td>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</td>
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<tr>
<td>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</td>
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<tr>
<td>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</td>
</tr>
<tr>
<td>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</td>
</tr>
<tr>
<td>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</td>
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</table>

**Status**

1) ☑ Responsive to communication(s) filed on See Office Action Paragraph 1.
2a) ☐ This action is FINAL. 2b) ☑ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☑ Claim(s) See Office Action Paragraph 1 is/are pending in the application.
4a) Of the above claim(s) ______ is/are withdrawn from consideration.
5) ☐ Claim(s) ______ is/are allowed.
6) ☑ Claim(s) all pending is/are rejected.
7) ☐ Claim(s) ______ is/are objected to.
8) ☐ Claim(s) ______ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on ______ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    
    a) ☐ All  b) ☐ Some *  c) ☐ None of:
    
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. ______.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☑ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2/8/02.
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: ______.
DETAILED ACTION

1. The following Office Action is responsive to the Board of Patent Appeals and Interferences' (BPAI) Decision On Appeal of November 10, 2004; affirming the examiner "in part". Claims were pending on appeal, of which:
Rule 198, effective September 13, 2004, states:

§ 1.198 Reopening after a final decision of the Board of Patent Appeals and Interferences.

When a decision by the Board of Patent Appeals and Interferences on appeal has become final for judicial review, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner except under the provisions of § 1.114 or § 41.50 of this title without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.

In view of an update search conducted after the decision, and upon consideration of pertinent prior art now applied to all copending related applications in the application family (i.e.,), prosecution is hereby re-opened. New grounds of prior art rejection are advanced herein based on the reference, which heretofore has not been relied upon in the prosecution history. The Group Direction who is a signatory hereto authorizes this decision in order to consider these matters not previously adjudicated.

Claims remain pending.
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [redacted] whose telephone number is [redacted]. The examiner can normally be reached on M-F, 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [redacted] can be reached on [redacted]. The fax phone number for the organization where this application or proceeding is assigned is [redacted].

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at [redacted] (toll-free).
### U.S. PATENT DOCUMENTS

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### NON-PATENT DOCUMENTS

Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages

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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.07(o).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.
Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

A court decision relevant to the examination of this application will be rendered soon. Ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication should be directed to [redacted] telephone number [redacted]
REDACTED

EXHIBIT I

REDACTED
The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte

Appeal No.
Application No.

MAILED

HEARD: November 14, 2000

Administrative Patent Judges.

Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the rejection of claims We reverse.

BACKGROUND

The invention at issue is a broadly claimed system for

The system includes
CONCLUSION

In summary, the rejection of claims \[\text{claim numbers}\] under 35 U.S.C. § 103 as obvious over \[\text{reference numbers}\] is reversed. The rejection of claims \[\text{claim numbers}\] under § 103 as obvious over \[\text{reference numbers}\] in view of \[\text{reference numbers}\] is also reversed. In addition, the rejection of claims \[\text{claim numbers}\] under § 103 as obvious over \[\text{reference numbers}\] in view of \[\text{reference numbers}\] further in view of \[\text{reference numbers}\] is reversed.
REVERSED

Administrative Patent Judge

BOARD OF PATENT APPEALS AND INTERFERENCES

Administrative Patent Judge
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) □ Responsive to communication(s) filed on

2a) □ This action is FINAL.  
   2b) X This action is non-final.

3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) X Claim(s) is/are pending in the application.
   4a) Of the above, claim(s) is/are withdrawn from consideration.

5) □ Claim(s) is/are allowed.

6) X Claim(s) is/are rejected.

7) □ Claim(s) is/are objected to.

8) □ Claims are subject to restriction and/or election requirement.

Application Papers

9) □ The specification is objected to by the Examiner.

10) □ The drawing(s) filed on is/are objected to by the Examiner.

11) □ The proposed drawing correction filed on is: a) approved b) disapproved.

12) □ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

   a) □ All b) □ Some c) □ None of:
      1. □ Certified copies of the priority documents have been received.
      2. □ Certified copies of the priority documents have been received in Application No.
      3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   *See the attached detailed Office action for a list of the certified copies not received.


Attachment(s)

15) □ Notice of References Cited (PTO-892)


17) □ Information Disclosure Statement(s) (PTO-1449)

18) □ Interview Summary (PTO-413) Paper No(s).

19) □ Notice of Informal Patent Application (PTO-152)

20) □ Other:
1. This action is in response to the Board of Appeals Decision of December 21, 2000, reversing the examiner. The decision has been fully reviewed and this action drafted in accordance with that opinion. New references are applied below to the pending claims. Therefore, this action reopens prosecution and is made non-final.

35 U.S.C. §102 REJECTIONS

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by et al. (U. S. Patent Number).
Contact Information

60. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [redacted] whose telephone number is [redacted]. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [redacted] can be reached on [redacted]. The fax phone number for the organization where this application or proceeding is assigned is [redacted].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is [redacted].

May 24, 2001
 Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

A court decision relevant to the examination of this application will be rendered soon. Ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication should be directed to [redacted] at telephone number [redacted].
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Serial No.
Docket No.
Filed:
For:

PETITION FOR AN ACTION ON THE MERITS
UNDER 37 CFR 1.181(A)(3)

Hon. Commissioner For Patents
P.O. Box 1450, Alexandria, VA 22313-1450
Sir:

The Applicant respectfully petitions the Commissioner for his intervention to
direct the Examiner to expeditiously provide the Applicant with an Action on the merits.

The PTO requires an expeditious response to amendments (MPEP 708, last
paragraph):

All amendments before final rejection should be responded to within two
months of receipt.

Further, the PTO requires that the instant application be advanced out of turn for
examination for the following reasons (MPEP 708.01, item I):

Applications pending more than 5 years, including those which, by
relation to a prior United States application, have an effective pendency of
more than 5 years.

The instant application meets both of these criterions, it has been pending more than 5
years and it has an effective pendency of more than 5 years.
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Serial No. ( )
Docket No. ( )
Filed: ( )
For: ( )

Group Art Unit: ( )
Examiner: ( )

REQUEST FOR RECONSIDERATION AND/OR
PETITION UNDER 37 CFR 1.144/1.181
FOR WITHDRAWAL OF AN IMPROPER RESTRICTION REQUIREMENT

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

The Applicant respectfully requests reconsideration and/or petitions for intervention of the Commissioner to withdraw an improper restriction requirement and to direct the Examiner to generate an action directed to all of the claims presented for examination

This Request/Petition is timely filed. It is filed in response to a Final Action and is filed within two months of the May 24, 1999 date of the Final Action.
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Serial No. 

Docket No. 

Filed: 

For: 

Group Art Unit: 

Examiner: 

TRANSMITTAL LETTER

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is:

1. APPEAL BRIEF in triplicate
2. EXHIBITS AND APPENDIX in triplicate
3. PETITION FOR EXTENSION OF TIME
4. REQUEST TO TAKE NOTICE

The fees are calculated below.

Appeal Brief $ 300.00
Extension of Time (4-months) $1,360.00

Total Fee $1,660.00

Charge $ 1,660.00 to Deposit Account No. 08-3626.
Please charge any fees associated with the papers transmitted herewith to Deposit Account No. ________ including any fees that may be required but are not set forth above.

CERTIFICATION OF MAILING BY EXPRESS MAIL: I hereby certify that this correspondence is being deposited with the United States Postal Service with Express Mail post office to addressee service under 37 CFR 1.10, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 with the express mail label number ________ on May 23, 2000.

Respectfully submitted,

Dated: May 23, 2000
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of
Serial No.
Docket No.
Filed:
For:

Group Art Unit:
Examiner:

REQUEST TO TAKE NOTICE

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

ATTENTION: Board of Patent Appeals and Interferences
Sir:

The purpose of this request to provide notice to the Board of Patent Appeals and Interferences that there are three outstanding petitions awaiting decision in the above-identified application. The petitions (filed on July 23, 1999) challenge the propriety of a restriction requirement, a constructive non-election regarding amendments.

It is requested that any decision on the appeal in this case be held in abeyance until all of the Appellant's administrative and judicial remedies have been exhausted.

It is not believed that a petition fee is necessary since Appellant is simply notifying the PTO that the petitions remain outstanding.

Prompt action on the three petitions is requested.
CERTIFICATION OF MAILING BY EXPRESS MAIL: I hereby certify that this correspondence is being deposited with the United States Postal Service with Express Mail post office to addressee service under 37 CFR 1.10, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 with the express mail label number [redacted] on May 23, 2000.

Dated: May 23, 2000

Respectfully submitted
This is a decision on the petition to request and/or petition under 37 CFR 1.144/1.181 for reconsideration and/or petition under 37 CFR 1.144/1.181 for withdrawal of an improper restriction requirement, and the petition under 37 CFR 1.181(a)(3) for withdrawal of an improper constructive nonelection, all filed July 23, 1999 (collectively, Paper No. ...).

As for the issues surrounding the requirement for restriction, 37 CFR 1.143 states that if the applicant disagrees with the requirement, he may request reconsideration and withdrawal or modification of the requirement, giving the reasons therefor. Further, 37 CFR 1.144 states that after a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Commissioner to review the requirement. Heretofore, the examiner has not made a final requirement for restriction, and so the former rule applies.

For the above-stated reasons, the petition is DISMISSED as premature.

The application has been forwarded to the examiner of record for consideration of the above-noted papers as a request for reconsideration of the requirement for restriction.
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

[Redacted]

Serial No. [Redacted]

Docket No. [Redacted]

Filed: [Redacted]

For: [Redacted]

Group Art Unit: [Redacted]

Examiner: [Redacted]

PETITION FOR AN EXAMINER'S ANSWER
UNDER 37 CFR 1.181(A)(3)

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

The Applicant respectfully petitions the Commissioner for his intervention to direct the Examiner to expeditiously provide the Applicant with an Examiner's Answer in response to the Applicant's Appeal Brief.

Examination in the instant application proceeded to the taking of an appeal and the timely filing of an Appeal Brief on May 23, 2000. An Examiner's Answer was due within two months.

The examiner should furnish the appellant with a written statement in answer to the appellant's brief within 2 months after the receipt of the brief by the examiner.

See MPEP 1208 (emphasis added). The importance of an examiner expeditiously furnishing an Examiner's Answer is even more compellingly illustrated by the fact that an Examiner's Answer takes "precedence" and "priority" over special applications.

Certain procedures by the examiners [examiner's answers] take precedence over actions even on special cases.... Applications in which practice requires that the examiner act within a set period, such as 2 months after
appellants brief to furnish the examiner's answers (MPEP § 1208) necessarily takes priority over special cases without specific time limits.

See MPEP 708.01 (emphasis added). Nevertheless, it has been over eight (8) months and the Applicant has not received an Examiner's Answer. This is a blatant violation of the plain requirements of the PTO and of the right's of the Applicant.

Even the United States Congress discourages delays by the PTO. The United States Congress, in the term extension provision of the American Inventors Protection Act of 1999, sent the clear message that undue delay by the PTO is unacceptable.

In view of the above, the Commissioner is hereby petitioned to direct the Examiner to immediately prepare an Examiner's Answer in the instant application or, alternatively, to pass the instant application to issue.

Because this petition seeks to invoke the Supervisory Authority of the Commissioner, a petition fee is not required.

Please charge any fees associated with the papers transmitted herewith to Deposit Account No. [redacted] including any fees that may be required but are not set forth above.
A Declaration claiming small entity status has been filed herein.

Respectfully submitted,

Dated: January 19, 2001
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Serial No.

Docket No.

Filed:

For:

PETITION FOR AN ACTION ON THE MERITS
UNDER 37 CFR 1.181(A)(3)

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

The Applicant respectfully petitions the Commissioner for his intervention to direct the Examiner to expeditiously provide the Applicant with an Action on the merits.

The PTO requires an expeditious response to amendments (MPEP 708, last paragraph):

All amendments before final rejection should be responded to within two months of receipt.

Further, the PTO requires that the instant application be advanced out of turn for examination for the following reasons (MPEP 708.01, item I):

Applications pending more than 5 years, including those which, by relation to a prior United States application, have an effective pendency of more than 5 years.

The instant application meets both of these criterion, it has been pending more that 5 years and it has an effective pendency of more than 5 years.
No action has been received in the instant application in more than a year.

The Applicant filed a Request For Status in the instant application dated November 9, 2004 but the Examiner has not responded thereto.

In view of the above, the Commissioner is hereby petitioned to direct the Examiner to immediately prepare an action in the instant application or, alternatively, to pass the instant application to issue.

Because this petition seeks to invoke the Supervisory Authority of the Commissioner under 37 CFR 1.181(a)(3), a petition fee is not required and thus a fee authorization is not needed.

Respectfully submitted.

Dated: January 20, 2005
This is a decision on the petition, filed on January 21, 2005 under 37 C.F.R. §1.181 requesting an expedited action on the merits. This petition has been considered a request to affirm that this application is under "special" status in accordance with 37 CFR 1.102.

Petitioner provides support for the request for expedited action with reference to MPEP sections 708 and 708.01. The latter section specifically states that applications pending over 5 years should be considered special. Since this application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner’s request is moot.

The examiner will be notified that this application should be considered as “special” and appropriate for expedited action.

The petition is DISMISSED.
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Serial No. [redacted]
Docket No. [redacted]
Filed: [redacted]
For: [redacted]

PETITION FOR AN ACTION ON THE MERITS
UNDER 37 CFR 1.181(A)(3)

Hon. Commissioner For Patents
P.O. Box 1450, Alexandria, VA 22313-1450
Sir:

The Applicant respectfully petitions the Commissioner for his intervention to
direct the Examiner to expeditiously provide the Applicant with an Action on the merits.

The PTO requires an expeditious response to amendments (MPEP 708, last
paragraph):

All amendments before final rejection should be responded to within two
months of receipt.

Further, the PTO requires that the instant application be advanced out of turn for
examination for the following reasons (MPEP 708.01, item 1):

Applications pending more than 5 years, including those which, by
relation to a prior United States application, have an effective pendency of
more than 5 years.

The instant application meets both of these criterions, it has been pending more than 5
years and it has an effective pendency of more than 5 years.
The Applicant filed a Petition For An Action On The Merits dated January 20, 2005. The Applicant pointed out therein that "[n]o action has been received in the instant application in more than a year".

The PTO responded with a "DECISION ON PETITION" stating that "[t]he examiner will be notified that this application should be considered as 'special' and appropriate for expedited action" and then the PTO dismissed the petition. However:

1. the Applicant did not receive a paper notifying the Examiner to that effect and

2. the Applicant did not receive an action on the merits.

Furthermore, the "DECISION ON PETITION" was not directed to the remedy that the Applicant was petitioned for, which should have been directed to an action on the merits.

In view of the above, the Commissioner is hereby petitioned for a second time to direct the Examiner to immediately prepare an action in the instant application or, alternatively, to pass the instant application to issue.

Because this petition seeks to invoke the Supervisory authority of the Commissioner under 37 CFR 1.181(a)(3), a petition fee is not required and thus a fee authorization is not needed.

CERTIFICATION OF MAILING BY EXPRESS MAIL: I hereby certify that this correspondence is being deposited with the United States Postal Service with Express Mail post office to addressee service under 37 CFR 1.10, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with the express mail label number \[redacted\] on March 28, 2007.

Dated: March 28, 2007

Respectfully submitted
Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

A court decision relevant to the examination of this application will be rendered soon. Ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication should be directed to [Redacted] at telephone number [Redacted]

Andrew Christensen
Acting Director
Technology Center 2600
appellants brief to furnish the *examiner's answers* (MPEP § 1208) **necessarily takes priority over special cases without specific time limits**.

See MPEP 708.01 (emphasis added). Nevertheless, considerable time has elapsed, yet the Applicant has not received an Examiner's Answer. This is a violation of the plain requirements of the PTO and of the Appellant’s rights.

Further, the PTO requires that the instant application be advanced out of turn for examination for the following reasons (MPEP 708.01, item I):

Applications pending more than 5 years, including those which, by relation to a prior United States application, have an effective pendency of more than 5 years.

The instant application meets both of these criterions, it has been pending more than 5 years and it has an effective pendency of more than 5 years.

In view of the above, the Commissioner is hereby petitioned to direct the Examiner to immediately prepare an Examiner’s Answer in the instant application or, alternatively, to pass the instant application to issue.

The Applicant makes note that a decision has been rendered by the Federal Circuit in *Hyatt v. Dudas*, Appeal No. 2006-1171, on June 28, 2007 reversing the decision of the District Court.

Because this petition seeks to invoke the Supervisory authority of the Commissioner under 37 CFR 1.181(a)(3), a petition fee is not required and thus a fee authorization is not needed.

**CERTIFICATION OF MAILING BY EXPRESS MAIL:** I hereby certify that this correspondence is being deposited with the United States Postal Service with Express Mail post office to addressee service under 37 CFR 1.10, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with the express mail label number [redacted] on August 28, 2007.

Dated: August 28, 2007

Respectfully submitted,
EXHIBIT K

REDACTED
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 5 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 9/10/98
☒ This action is FINAL.
☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) _______ of the above claim(s) is/are pending in the application.
☐ Claim(s) _______ is/are withdrawn from consideration.
☒ Claim(s) _______ is/are allowed.
☐ Claim(s) _______ is/are rejected.
☐ Claim(s) _______ is/are objected to.
☐ Claim(s) _______ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The proposed drawing correction, filed on __________ is ☐ approved ☐ disapproved.
☐ The drawing(s) filed on __________ is/are objected to by the Examiner.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been ☐ received.
☐ received in Application No. (Series Code/Serial Number) __________.
☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*CERTIFIED copies not received:

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). __________
☐ Interview Summary, PTO-413
☐ Notice of Reference(s) Cited, PTO-892
☐ Notice of Informal Patent Application, PTO-152
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Other

Office Action Summary
applicant himself has stated on the record, namely that in order to establish prima facie case of obviousness certain criteria must be adhered to. The examiner has followed the criteria as shown here-in-above. Furthermore, applicant is reminded of 37 CFR §1.111(b) which specifically states:

A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the reference does not comply with the requirements of this section.

With regard to applicant’s arguments regarding the double patenting rejections, the examiner respectfully disagrees. Each and every rejection has set forth sufficient and reasonable arguments for such a rejection, which arguments have not been persuasively refuted by applicant.

Applicant argues that “the examiner has not rebutted the presumptively correct disclosure, the 112-1 rejection (sic) must fall”, the examiner respectfully disagrees. Again the examiner has set forth various reasonable reasons for such rejections, applicant’s arguments have not been found persuasive enough to warrant the withdrawing of the rejections. The rejections are therefore being maintained.

Applicant’s comments regarding the incorporation by reference issue are noted, the examiner has corrected and clarified the objections. A new clarified section of MPEP 608.01(p) objections appears in the rejection here-in-above. Furthermore, the requirements will be held in abeyance until such time as the examiner indicates allowable subject matter.

48. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

49. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [REDACTED] whose telephone number is [REDACTED]. The examiner can normally be reached on Monday through Thursday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [REDACTED] can be reached on [REDACTED]. The fax phone number for this Group is [REDACTED].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is [REDACTED].

July 27, 1999
This is in response to appellant's brief on appeal filed July 19, 2000.
Respectfully submitted,

Primary Examiner

Appeal Conference Conferees:

Primary Examiner

SPE, Art Unit

Primary Examiner

September 28, 2001

Primary Examiner
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☑ Responsive to communication(s) filed on 9/18/98
☐ This action is FINAL.
☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) [EDITED] is/are pending in the application.
☐ Of the above claim(s) [EDITED] is/are withdrawn from consideration.
☐ Claim(s) [EDITED] is/are allowed.
☑ Claim(s) [EDITED] is/are rejected.
☐ Claim(s) [EDITED] is/are objected to.
☐ Claim(s) [EDITED] are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The proposed drawing correction, filed on [DATE] is □ approved □ disapproved.
☐ The drawing(s) filed on [DATE] is/are objected to by the Examiner.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been [EDITED] received.
☐ received in Application No. [SERIES CODE/SEQUENCE NUMBER] [EDITED].
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
*Certified copies not received:

Attachment(s)

☑ Information Disclosure Statement(s), PTO-1449, Paper No(s). [EDITED]
☐ Interview Summary, PTO-413
☐ Notice of Reference(s) Cited, PTO-892
☐ Notice of Informal Patent Application, PTO-152
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Other [EDITED]

U.S. Patent and Trademark Office
PTO-326 (Rev. 9-97)
"U.S. GPO: 1997-433-221/42717 Part of Paper No. [EDITED]"
45. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **[REDACTED]** whose telephone number is **[REDACTED]**. The examiner can normally be reached on Monday through Thursday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **[REDACTED]** can be reached on **[REDACTED]**. The fax phone number for this Group is **[REDACTED]**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is.

July 30, 1999

[Signature] PRIMARY EXAMINER
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: [redacted]
Filing Date: [redacted]
Appellant(s): [redacted]

MAILED
DEC 11 2001
Technology Center [redacted]

For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed July 25, 2000.
Respectfully submitted,

Primary Examiner

Appeal Conference Conferees:

Primary Examiner

SPE, Art Unit

Primary Examiner

November 30, 2001
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 5 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☑ Responsive to communication(s) filed on 9/19/99
☑ This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) is/are pending in the application.
☐ Claim(s) is/are withdrawn from consideration.
☐ Claim(s) is/are allowed.
☑ Claim(s) is/are rejected.
☐ Claim(s) is/are objected to.
☐ Claim(s) are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The proposed drawing correction, filed on [ ] , is ☐ approved ☐ disapproved.
☐ The drawing(s) filed on [ ] is/are objected to by the Examiner.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been ☐ received.
☐ received in Application No. (Series Code/Serial Number) [ ]
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

Attachment(s)

☑ Information Disclosure Statement(s), PTO-1449, Paper No(s). [ ]
☐ Interview Summary, PTO-413
☐ Notice of Reference(s) Cited, PTO-892
☐ Notice of Informal Patent Application, PTO-152
☑ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Other [ ]
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than SIX MONTHS from the mailing
date of this final action.

31.  Any inquiry concerning this communication or earlier communications from the
examiner should be directed to [Redacted], whose telephone number is [Redacted]. The
examiner can normally be reached on Monday through Thursday from 8:30 to 5:00.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, [Redacted], can be reached on [Redacted]. The fax phone number for this
Group is [Redacted].

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is [Redacted].

July 17, 1999

[Redacted]

[Redacted]
This is in response to appellant's brief on appeal filed July 17, 2000.
system, its construction would be at a considerable cost of time, effort and experimentation.

Appellant argues in [redacted] on page [redacted] through page [redacted] that "The Rejections Are Judicially Estopped ... Under the doctrine of judicial estoppel, where a party assumes a certain position, he may not thereafter assume a contrary position ... judicial estoppel is designed to preserve the integrity of the judicial process by "protection against litigants who 'play fast and loose with the courts', the examiner will agree with the general message of the statement.

The Examiner has considered Appellant's extensive arguments thoroughly but he does not find them persuasive. For all the reasons enumerated above, it is believed that the rejections should be sustained.
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☑ Responsive to communication(s) filed on 12/11/97 and 4/1/98

☑ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) are pending in the application.

☐ Of the above claim(s) is/are withdrawn from consideration.

☐ is/are allowed.

☐ is/are rejected.

☐ is/are objected to.

☐ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on is approved ☐ disapproved.

☐ The drawing(s) filed on is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number)

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other

Office Action Summary

U.S. Patent and Trademark Office
PTO-326 (Rev. 9-97)

*U.S. GPO: 1997-433-221/62717

Part of Paper No.
Applicant argues that "the examiner has not rebutted the presumptively correct disclosure, the 112-1 rejection (sic) must fall", the examiner respectfully disagrees. Again the examiner has set forth various reasonable reasons for such rejections, applicant's arguments have not been found persuasive enough to warrant the withdrawing of the rejections. The rejections are therefore being maintained.

Applicant's comments regarding the incorporation by reference issue are noted, the examiner has corrected and clarified the objections. A new clarified section of MPEP 608.01(p) objections appears in the rejection here-in-above. Furthermore, the requirements will be held in abeyance until such time as the examiner indicates allowable subject matter.

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to whose telephone number is . The examiner can normally be reached on Monday through Thursday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, can be reached on . The fax phone number for this Group is . Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is .

July 7, 1999
This is in response to appellant's brief on appeal filed July 17, 2000.
The Examiner has considered Appellant's extensive arguments thoroughly but he does not find them persuasive. For all the reasons enumerated above, it is believed that the rejections should be sustained.

Respectfully submitted,

[Signature]

Primary Examiner

Appeal Conference Conferees:

[Signature]

Primary Examiner

[Signature]

SPE, Art Unit

September 24, 2001
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☑ Responsive to communication(s) filed on 9/9/98
☐ This action is FINAL.
☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) is/are pending in the application.
☐ Of the above claim(s) is/are withdrawn from consideration.
☐ Claim(s) is/are allowed.
☒ Claim(s) is/are rejected.
☐ Claim(s) is/are objected to.
☐ Claim(s) are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The proposed drawing correction, filed on is approved ☐ disapproved.
☐ The drawing(s) filed on is/are objected to by the Examiner.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
☐ received in Application No. (Series Code/Serial Number)
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
*Certified copies not received:

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) .
☐ Interview Summary, PTO-413
☐ Notice of Reference(s) Cited, PTO-892
☐ Notice of Informal Patent Application, PTO-152
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Other

Office Action Summary

U.S. Patent and Trademark Office
PTO-326 (Rev 9-97)
not been found persuasive enough to warrant the withdrawing of the rejections. The rejections are therefore being maintained.

Applicant's comments regarding the incorporation by reference issue are noted, the examiner has corrected and clarified the objections. A new clarified section of MPEP 608.01(p) objections appears in the rejection here-in-above. Furthermore, the requirements will be held in abeyance until such time as the examiner indicates allowable subject matter.

41. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [redacted] whose telephone number is [redacted]. The examiner can normally be reached on Monday through Thursday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [redacted] can be reached on [redacted]. The fax phone number for this Group is [redacted].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is [redacted].

August 13, 1999

PRIMARY EXAMINER
This is in response to appellant's brief on appeal filed July 17, 2000.
Respectfully submitted,

[Signature]

Primary Examiner

Appeal Conference Conferees:

[Signature], Primary Examiner

[Signature], SPE, Art Unit

[Signature], Primary Examiner

August 31, 2001
EXHIBIT P

REDACTED

REDACTED
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks.
**Office Action Summary**

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**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE __3__ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

☑ Responsive to communication(s) filed on 5/15/98

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

☑ Claim(s) ___________________________ is/are pending in the application.

☐ Claim(s) ___________________________ is/are withdrawn from consideration.

☐ Claim(s) ___________________________ is/are allowed.

☒ Claim(s) ___________________________ is/are rejected.

☐ Claim(s) ___________________________ is/are objected to.

☐ Claim(s) ___________________________ are subject to restriction or election requirement.

**Application Papers**

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on ______________ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on ______________ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) ________________________________________________________________

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: ________________________________________________________________

**Attachment(s)**

☑ Information Disclosure Statement(s), PTO-1449, Paper No(s). ______________

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892 ______________

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ______________

☐ Other ______________
36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [redacted] whose telephone number is [redacted]. The examiner can normally be reached on Monday through Thursday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [redacted] can be reached on [redacted]. The fax phone number for this Group is [redacted].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is [redacted].

July 11, 1999

[redacted] PRIMARY EXAMINER
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: [Blacked out]
Filing Date: [Blacked out]
Appellant(s): [Blacked out]

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed July 17, 2000.
Respectfully submitted,

PRIMARY EXAMINER

Primary Examiner

Appeal Conference Conferees:

Primary Examiner

SPE, Art Unit

Primary Examiner

Novem 9, 2001
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE __________ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

X Responsive to communication(s) filed on 7/10/98

This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☐ Claim(s) _______________ is/are pending in the application.

☐ Of the above claim(s) _______________ is/are withdrawn from consideration.

☐ Claim(s) _______________ is/are allowed.

☐ Claim(s) _______________ is/are rejected.

☐ Claim(s) _______________ is/are objected to.

☐ Claim(s) _______________ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _______________ is: ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _______________ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been ☐ received.

☐ received in Application No. (Series Code/Serial Number)

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received:

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _______________

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-152

☐ Other ____________________________
Applicant argues that "the examiner has not rebutted the presumptively correct disclosure, the 112-1 rejection (sic) must fall", the examiner respectfully disagrees. Again the examiner has set forth various reasonable reasons for such rejections, applicant's arguments have not been found persuasive enough to warrant the withdrawing of the rejections. The rejections are therefore being maintained.

Applicant's comments regarding the incorporation by reference issue are noted, the examiner has corrected and clarified the objections. A new clarified section of MPEP 608.01(p) objections appears in the rejection here-in-above. Furthermore, the requirements will be held in abeyance until such time as the examiner indicates allowable subject matter.

41. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [redacted] whose telephone number is [redacted]. The examiner can normally be reached on Monday through Thursday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [redacted] can be reached on [redacted]. The fax phone number for this Group is [redacted].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is [redacted].

July 16, 1999
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: [redacted]
Filing Date: [redacted]
Appellant(s): [redacted]

For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed July 19, 2000.
Respectfully submitted,

[Redacted]

Primary Examiner

Appeal Conference Conferees:

[Redacted]

Primary Examiner

[Redacted]

SPE, Art Unit

Primary Examiner

August 28, 2001
Please find below and/or attached an Office communication concerning this application or proceeding.
Office Action Summary

Period for Reply
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status
☐ Responsive to communication(s) filed on 9/8/98
☐ This action is FINAL.
☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims
☐ Claim(s) is/are pending in the application.
☐ Claim(s) is/are withdrawn from consideration.
☐ Claim(s) is/are allowed.
☒ Claim(s) is/are rejected.
☐ Claim(s) is/are objected to.
☐ Claim(s) are subject to restriction or election requirement.

Application Papers
☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The proposed drawing correction, filed on ___________ is ☐ approved ☐ disapproved.
☐ The drawing(s) filed on ___________ is/are objected to by the Examiner.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)
☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) ___________
☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).
*Certified copies not received:

Attachment(s)
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). ___________
☐ Interview Summary, PTO-413
☐ Notice of Reference(s) Cited, PTO-892
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152
☐ Other ___________
objections appears in the rejection here-in-above. Furthermore, the requirements will be held in abeyance until such time as the examiner indicates allowable subject matter.

36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [REDACTED] whose telephone number is [REDACTED]. The examiner can normally be reached on Monday through Thursday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, [REDACTED] can be reached on [REDACTED]. The fax phone number for this Group is [REDACTED]. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is [REDACTED].

August 5, 1999
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: [redacted]
Filing Date: [redacted]
Appellant(s): [redacted]

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed July 19, 2000.
Respectfully submitted,

Primary Examiner

Appeal Conference Conferees:

Primary Examiner

SPE, Art Unit

Primary Examiner

September 24, 2001
EXHIBIT S
This is a communication from the examiner in charge of your application.

Part I

THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Art Cited by Applicant, PTO-1449.

Part II

SUMMARY OF ACTION

1. Claims [number] are pending in the application.
2. Claims [number] are withdrawn from consideration.
3. Claims [number] have been cancelled.
4. Claims [number] are allowed.
5. Claims [number] are rejected.
6. Claims [number] are subject to restriction or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _________________. Under 37 C.F.R. 1.84 these drawings are [accept;, not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on ________________, has (have) been [approved; disapproved (see explanation).
11. The proposed drawing correction, filed ________________ has been [approved; disapproved (see explanation).
12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has [been received; not been received] filed in parent application, serial no. ________________, filed on ________________.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 O.G. 11; 453 O.G. 213.
14. Other

EXAMINER'S ACTION
Contact Information

58. Any inquiry concerning this communication or earlier communications should be directed to [redacted] whose telephone number is [redacted]. He can normally be reached Monday through Thursday from 7:30 am to 4:00 pm, and on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is [redacted] The Working Group FAX number is [redacted]

August 7, 1996
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
system. The specific details in the application claims are all old and well known types of processing as evidenced by the prior art. The arguments as to the applicability of the prior art to the claims, which were advanced above, with respect to the 103 rejection are incorporated herein by reference. Essentially, the differences between the application claims and the previous patent claim constitute various obvious details, as shown by the prior art.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [redacted] whose telephone number is [redacted]. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [redacted] can be reached on [redacted]. The fax phone number for the organization where this application or proceeding is assigned is [redacted] and [redacted].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is [redacted].

August 11, 2000
This is in response to appellant's brief on appeal filed August 16, 2001. To assist the reader in navigating this lengthy Answer, the Examiner has provided the following Table of Contents.
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Appeal Conference Conferees:

(Primary Examiner)

(Primary Examiner)

October 25, 2001
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

---The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address---

**Period for Response**

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

☒ Responsive to communication(s) filed on 2/19/98

☐ This action is FINAL.

☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1; 453 O.G. 213.

**Disposition of Claims**

☒ Claim(s) ____________________________ is/are pending in the application.

☐ Claim(s) ____________________________ is/are withdrawn from consideration.

☐ Claim(s) ____________________________ is/are allowed.

☒ Claim(s) ____________________________ is/are rejected.

☐ Claim(s) ____________________________ is/are objected to.

☐ Claim(s) ____________________________ are subject to restriction or election requirement.

**Application Papers**

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on ____________________________ is ☐ approved ☐ disapproved.

☒ The drawing(s) filed on 5/21/95 ____________________________ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) ____________________________

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received:

**Attachment(s)**

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). ____________ ☐ Interview Summary, PTO-413

☒ Notice of References Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other ____________________________

Office Action Summary
Art Unit: 

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, can be reached on . The fax phone number for this Group is

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is

August 14, 1998
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE __3__ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☑ Responsive to communication(s) filed on 2/24/99

☑ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☐ Claim(s) ___________ is/are pending in the application.

☐ Of the above claim(s) ___________ is/are withdrawn from consideration.

☐ Claim(s) ___________ is/are allowed.

☒ Claim(s) ___________ is/are rejected.

☐ Claim(s) ___________ is/are objected to.

☐ Claim(s) ___________ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on __________________________ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on __________________________ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) __________________________

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received:

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). __________________________

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Other __________________________

Office Action Summary

U. S. Patent and Trademark Office
PTO-326 (Rev 9/97)
advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

55. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [redacted] whose telephone number is [redacted]. The examiner can normally be reached on Monday-Friday from 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [redacted] can be reached on [redacted]. The fax phone number for this Group is [redacted].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is [redacted].

September 10, 1999
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: [Redacted]
Filing Date: [Redacted]
Appellant(s): [Redacted]

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed September 8, 2000. To assist the reader in navigating this lengthy Answer, the Examiner has provided the following Table of Contents.
Section IX is titled "Conclusion". In this section, Appellant reiterates the arguments presented in the previous sections. The arguments presented in response to these sections, above, are thus referenced in response.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

[Redacted]

Appeal Conference Conferees:

(Primary Examiner)

September 28, 2001
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
**Office Action Summary**

---

**Period for Response**

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- Responsive to communications) filed on 12/11/97 & others

- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1; 453 O.G. 213.

**Disposition of Claims**

- Claim(s) are pending in the application.
- Of the above claim(s) is/are withdrawn from consideration.
- Claim(s) is/are allowed.
- Claim(s) is/are rejected.
- Claim(s) is/are objected to.
- Claim(s) are subject to restriction or election requirement.

**Application Papers**

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on ____________, is _____ approved. _____ disapproved.
- The drawing(s) filed on ____________ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

  - All  Some  None of the CERTIFIED copies of the priority documents have been received.
  - received in Application No. (Series Code/Serial Number) ____________
  - received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

- Certified copies not received: ____________

**Attachment(s)**

- Information Disclosure Statement(s), PTO-1449, Paper No(s) ____________
- Interview Summary, PTO-413
- Notice of References Cited, PTO-892
- Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Other ____________

---
showing with respect to the claims individually discussed above is enough to give the applicant fair notice of how the rejection is applied to each and every other claim. The above paragraphs establish a *prima facie* showing of the unpatentability of the instant claims and the burden shifts to the applicant to show, if he can, patentable distinctions between the instant claims and those of the patents.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to whose telephone number is . The examiner can normally be reached on Monday-Friday from 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, can be reached on . The fax phone number for this Group is

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is

September 29, 1998
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Χ Claim(s) ____________ is/are pending in the application.

Of the above, claim(s) ____________ is/are withdrawn from consideration.

☐ Claim(s) ____________ is/are allowed.

Χ Claim(s) ____________ is/are rejected.

☐ Claim(s) ____________ is/are objected to.

☐ Claims ____________ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on ____________ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on ____________ is approved disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) ____________.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: ____________.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Χ Notice of References Cited, PTO-892

Χ Information Disclosure Statement(s), PTO-1449, Paper No(s). ____________

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---
event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

54. Any inquiry concerning this communication or earlier communications from the examiner should be directed to whose telephone number is . The examiner can normally be reached on Monday-Friday from 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, can be reached on . The fax phone number for this Group is .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is .

June 22, 1999
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number:
Filing Date:
Appellant(s):

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed June 30, 2000, and the supplemental Brief filed January 8, 2001. To assist the reader in navigating this lengthy Answer, the Examiner has provided the following Table of Contents.
should be sustained.

Respectfully submitted,

Appeal Conference Conference:

(Primary Examiner)
(Primary Examiner)

Primary Examiner

September 21, 2001
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

—the mailing date of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A shortened statutory period for response is set to expire __________ month(s) from the mailing date of this communication.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after six (6) months from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If no period for response is specified above, such period shall, by default, expire six (6) months from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become abandoned (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 12/19/97 & others
☐ This action is final.
☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) __________ are pending in the application.
☐ Claim(s) __________ is/are withdrawn from consideration.
☐ Claim(s) __________ is/are allowed.
☒ Claim(s) __________ is/are rejected.
☐ Claim(s) __________ is/are objected to.
☐ Claim(s) __________ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The proposed drawing correction, filed on __________ is ☐ approved ☐ disapproved.
☐ The drawing(s) filed on __________ is/are objected to by the Examiner.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) __________
☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received:

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). __________
☐ Interview Summary, PTO-413
☐ Notice of References Cited, PTO-892
☐ Notice of Informal Patent Application, PTO-952
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Other __________

Office Action Summary

U.S. Patent and Trademark Office
PTO-326 (Rev. 3-97) *U.S. GPO: 1997-417-381/82710

Part of Paper No. __________
clearly identify those features that are not taught or suggested by the prior art.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Mancuso whose telephone number is [redacted]. The examiner can normally be reached on Monday-Friday from 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, [redacted] can be reached on [redacted]. The fax phone number for this Group is [redacted].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is [redacted].

September 29, 1998
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☑ Responsive to communication(s) filed on.
☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☐ Claim(s) is/are pending in the application.
☐ Of the above claim(s)
☐ is/are withdrawn from consideration.
☐ is/are allowed.
☒ Claim(s) is/are rejected.
☐ Claim(s) is/are objected to.
☐ Claim(s) are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson’s Patent Drawing Review, PTO-948.
☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.
☒ The drawing(s) filed on are objected to by the Examiner.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number)
☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received:

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s).
☐ Interview Summary, PTO-413
☐ Notice of Reference(s) Cited, PTO-892
☐ Notice of Draftsperson’s Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152
☐ Other
communications from the examiner should be directed to Joseph Mancuso whose telephone number is The examiner can normally be reached on Monday-Friday from 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on The fax phone number for this Group is

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is

September 9, 1999
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: [redacted]
Filing Date: [redacted]
Appellant(s): [redacted]

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed September 8, 2000. To assist the reader in navigating this lengthy Answer, the Examiner has provided the following Table of Contents.
arguments are the same otherwise. These arguments are generic, noninformative and not found to be convincing. The arguments presented above apply to this section.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Primary Examiner

Appeal Conference Conferees:

(Primary Examiner)

(SPE)

(Primary Examiner)

October 1, 2001
Please find below and/or attached an Office communication concerning this application or proceeding.
Office Action Summary

--- The MAILING DATE of this communication appears on the cover sheet with the correspondence address ---

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☑ Responsive to communication(s) filed on 19 July 2004.
2a) ☑ This action is FINAL.
2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☑ Claim(s) See Continuation Sheet is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☑ Claim(s) See Continuation Sheet is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All  b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SDS/38)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____
A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

26. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to [redacted] whose telephone number is [redacted]. The examiner can normally be reached on M-F, 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, [redacted] can be reached on [redacted]. The fax phone number
for the organization where this application or proceeding is assigned is [redacted].

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is [redacted].

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

August 5, 2005
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: [redacted]
Filing Date: [redacted]
Appellant(s): [redacted]

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 8, 2006 appealing from the Office action mailed August 9, 2005.
The Examiner has considered Appellant's extensive arguments thoroughly but he does not find them persuasive. For all the reasons enumerated above, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein in Appellant's Appeal Brief, in the Evidence Appendix.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Primary Examiner

Conferees:

(SPE)  
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

(SPE)  
SUPERVISORY PATENT EXAMINER
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

Responsive to communications filed on 2/3/99, 2/22/99.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) is/are pending in the application.

Of the above, claim(s) is/are withdrawn from consideration.

Claim(s) is/are allowed.

Claim(s) is/are rejected.

Claim(s) is/are objected to.

Claims are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on is/are objected to by the Examiner.

The proposed drawing correction, filed on is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) .

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

Certified copies not received:

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892
Information Disclosure Statement(s), PTO-1449, Paper No(s).
Interview Summary, PTO-413
Notice of Draftsperson's Patent Drawing Review, PTO-948
Notice of Informal Patent Application, PTO-152

SEE OFFICE ACTION ON THE FOLLOWING PAGES —
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is  

August 31, 1999
This is in response to appellant's brief on appeal filed September 1, 2000. To assist the reader in navigating this lengthy Answer, the Examiner has provided the following Table of Contents.
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Primary Examiner

Appeal Conference Conferees:

(Primary Examiner)

(SPE)

(Primary Examiner)

August 23, 2001
REDACTED

EXHIBIT Y

REDACTED
Please find below and/or attached an Office communication concerning this application or proceeding.
Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) [ ] Responsive to communication(s) filed on see action paragraph 1.
2a) [ ] This action is FINAL. 2b) [x] This action is non-final.
3) [ ] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) [x] Claim(s) see action paragraph 1 is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) [ ] Claim(s) _____ is/are allowed.
6) [ ] Claim(s) all pending is/are rejected.
7) [ ] Claim(s) _____ is/are objected to.
8) [ ] Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) [ ] The specification is objected to by the Examiner.
10) [ ] The drawing(s) filed on _____ is/are: a) [ ] accepted or b) [ ] objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) [ ] The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) [ ] Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) [ ] All  b) [ ] Some * c) [ ] None of:
     1. [ ] Certified copies of the priority documents have been received.
     2. [ ] Certified copies of the priority documents have been received in Application No. _____.
     3. [ ] Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) [x] Notice of References Cited (PTO-892)
2) [ ] Notice of Draftperson's Patent Drawing Review (PTO-948)
3) [x] Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date attached:
4) [ ] Interview Summary (PTO-413)
   Paper No(s)/Mail Date ______
5) [ ] Notice of Informal Patent Application (PTO-152)
6) [ ] Other: ______
The examiner has clarified the enablement rejections above. Applicant's remarks are addressed in that rejection.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to whose telephone number is .

The examiner can normally be reached on M-F, 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, can be reached on . The fax phone number for the organization where this application or proceeding is assigned is .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll-free).

Primary Examiner
Art Unit
August 18, 2004
This is in response to the appeal brief filed August 26, 2005 appealing from the Office action mailed September 07, 2004.
can be performed by a circuit generally illustrated at 70° at column 5, line 7).

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner’s answer are provided in the Appellant’s Appeal Brief, in the Evidence Appendix.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

[Redacted]

Primary Examiner

Art Unit

[Redacted]

Conferees:

[Redacted]

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER (SPE)
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Responsive to communication(s) filed on 22 Feb 1999

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☐ Claim(s) is/are pending in the application.

☐ Of the above, claim(s) ____________________________ is/are withdrawn from consideration.

☐ Claim(s) ____________________________ is/are allowed.

☒ Claim(s) ____________________________ is/are rejected.

☐ Claim(s) ____________________________ is/are objected to.

☐ Claims ____________________________ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on ____________________________ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on ____________________________ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) ____________________________.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s)__________________________

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

SEE OFFICE ACTION ON THE FOLLOWING PAGES —
is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

68. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ______ whose telephone number is ______. The examiner can normally be reached on Monday-Friday from 9:30AM-6:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, _______ can be reached on _______. The fax phone number for this Group is _______.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is _______.

March 9, 2000
This is in response to the appeal brief filed July 22, 2005 appealing from the Office action mailed September 07, 2004.
(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided in the Appellant's Appeal Brief, in the Evidence Appendix.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

[Redacted]

Primary Examiner
Art Unit

Conferees:

SUPERVISORY PATENT EXAMINER (SPE)

(SPE)
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks
Office Action Summary

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ______ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☑ Responsive to communication(s) filed on ______ .
☐ This action is FINAL.
☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claim(s)

☑ Claim(s) ______ are pending in the application.
☐ Claim(s) ______ are withdrawn from consideration.
☐ Claim(s) ______ are allowed.
☐ Claim(s) ______ are rejected.
☐ Claim(s) ______ are objected to.
☐ Claim(s) ______ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The proposed drawing correction, filed on ______ , is ☐ approved ☐ disapproved.
☑ The drawing(s) filed on ______ is/are objected to by the Examiner.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
☐ received in Application No. (Series Code/Serial Number) ______ .
☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received:

Attachment(s)

☑ Information Disclosure Statement(s), PTO-1449, Paper No(s) ______ .
☐ Interview Summary, PTO-413
☐ Notice of Reference(s) Cited, PTO-892
☐ Notice of Informal Patent Application, PTO-52
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Other ______ .
communications from the examiner should be directed to whose telephone number is The examiner can normally be reached on Monday-Friday from 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, can be reached on The fax phone number for this Group is

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is

September 9, 1999
This is in response to appellant's brief on appeal filed September 8, 2000. To assist the reader in navigating this lengthy Answer, the Examiner has provided the following Table of Contents.
arguments are the same otherwise. These arguments are generic, noninformative and not found to be convincing. The arguments presented above apply to this section.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

[Signature]

Primary Examiner

Appeal Conference Conferees:

[Signatures]

(Please, SPE, (Primary Examiner)

October 1, 2001
Please find below and/or attached an Office communication concerning this application or proceeding.
Office Action Summary

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☑ Responsive to communication(s) filed on see action paragraph 1.
2a) ☑ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☑ Claim(s) see action paragraph 1 is/are pending in the application.
5) ☐ Claim(s) _____ is/are allowed.
6) ☑ Claim(s) all pending is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☑ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All  b) ☐ Some *  c) ☐ None of:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____.
   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date attached.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.
Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, this action is made final. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [REDACTED] whose telephone number is [REDACTED]. The examiner can normally be reached on M-F, 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, [REDACTED] can be reached on [REDACTED]. The fax phone number for the organization where this application or proceeding is assigned is [REDACTED].
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

[Signatures redacted]
EXHIBIT AC

REDACTED
Please find below and/or attached an Office communication concerning this application or proceeding.
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on see action paragraph 1.
2a)☐ This action is FINAL. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) see action paragraph 1 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) all pending is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. ______.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date attached.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. ______.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: ______.
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [REDACTED] whose telephone number is [REDACTED]. The examiner can normally be reached on M-F, 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, [REDACTED] can be reached on [REDACTED]. The fax phone number for the organization where this application or proceeding is assigned is [REDACTED].

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at [REDACTED] (toll-free).

Primary Examiner
Art Unit [REDACTED]
October 27, 2004
Please find below and/or attached an Office communication concerning this application or proceeding.
Conclusion

49. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [Examiner Name], whose telephone number is [Examiner Phone Number]. The examiner can normally be reached on M-F, 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, [Supervisor Name] can be reached on [Supervisor Phone Number]. The fax phone number for the organization where this application or proceeding is assigned is [Fax Number].
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

Primary Examiner
Art Unit
June 29, 2005

PRIMARY EXAMINER