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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/019,660	02/09/2016	Kenneth P. Weiss	W0537-700924	1202

37462 7590 04/15/2016

LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE, MA 02142

EXAMINER
CHEUNG, CALVIN K

ART UNIT	PAPER NUMBER
3668	

NOTIFICATION DATE	DELIVERY MODE
04/15/2016	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@LALaw.com
gengelson@LALaw.com

Office Action Summary	Application No. 15/019,660	Applicant(s) WEISS, KENNETH P.	
	Examiner CALVIN CHEUNG	Art Unit 3668	AIA (First Inventor to File) Status No

-- 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* MONTHS 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 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 *2/9/2016*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ 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*

5)☒ Claim(s) *1-12* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-12* is/are rejected.

8)☒ Claim(s) *3 and 4* is/are objected to.

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

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

11)☐ 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).

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).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

DETAILED ACTION

Office Action Identifier

This office action is given an identifier, Paper No. 20160408, for reference purposes only.

Continuation Application

This application is a continuation application ("CON") of U.S. App# 14027860, now U.S. Pat# 9100826 which is a CON of U.S. App# 13621609, now U.S. Pat# 8538881 which is a CON of U.S. App# 13168556, now U.S. Pat# 8271397 which is a CON of U.S. App# 11677490, now U.S. Pat# 8001055 . See MPEP §201.07. In accordance with MPEP §609.02 A. 2 and MPEP §2001.06(b) (last paragraph), the Examiner has reviewed and considered the prior art cited in the Parent Application. Also in accordance with MPEP §2001.06(b) (last paragraph), all documents cited or considered 'of record' in the Parent Application are now considered cited or 'of record' in this application. Additionally, Applicant(s) are reminded that a listing of the information cited or 'of record' in the Parent Application need not be resubmitted in this application unless Applicant(s) desire the information to be printed on a patent issuing from this application. See MPEP §609.02 A. 2. Finally, Applicant(s) are reminded that the prosecution history of the Parent Application is relevant in this application. See e.g., Microsoft Corp. v. Multi-Tech Sys., Inc., 357 F.3d 1340, 1350, 69 USPQ2d 1815, 1823 (Fed. Cir. 2004) (holding that statements made in prosecution of one patent are relevant to the scope of all sibling patents).

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Track-1 Status

Track-1 status was granted to this application by the USPTO on 22 March 2016.

Status of Claims

Claims 1-12 filed 9 February 2016 are examined in this office action.

Allowable Subject Matter

Claims 3-4 would be allowable if rewritten to overcome all pending objection(s) and all pending rejection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim Objections

1. Claims 1 and 10 are objected to because of the following informalities:

Claim 1 does not follow the convention of separating distinct elements/steps of the claims with line spacings or line indentations. MPEP 608.01(i) expressly states, "… Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation." For example, claim 1 contains an individual "wherein" clause hiding a

plurality of further "wherein" clauses that also including multiple distinct steps and/or elements; however, the claim as presented fails to delineate these elements in accordance with MPEP 608.01(i).

Claim 10 does not follow the convention of separating distinct elements/steps of the claims with line spacings or line indentations. MPEP 608.01(i) expressly states, "… Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation." For example, claim 10 contains more than one "wherein" clause; however, the claim as presented fails to delineate these elements in accordance with MPEP 608.01(i).

Claim Rejections - 35 USC § 112(B) or (pre-AIA) Second Paragraph

2. The following is a quotation of 35 U.S.C. 112(B):

> (B) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112(B) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

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