

<p style="text-align: center;">Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</p>	<p>REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK</p>
--	--

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court _____ on the following

Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 12-0954	DATE FILED	U.S. DISTRICT COURT
PLAINTIFF		DEFENDANT
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 D 527,834		
2 D 538,948		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY		
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
-------	-------------------	------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CENTRIA,

Plaintiff,

v.

CLEBURNE SHEET METAL

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Centria (hereinafter, "Centria"), by and through its undersigned counsel, hereby alleges the following against Defendant Cleburne Sheet Metal (hereinafter, "Cleburne"):

THE PARTIES

1. Centria is a Pennsylvania partnership having its principal place of business located at 1005 Beaver Grade Road, Moon Township, PA 15108.

2. Upon information and belief, Cleburne is a Texas corporation having its principal place of business located at 6432 Nine Mile Bridge Road, Fort Worth, TX 76135.

JURISDICTION AND VENUE

3. Centria brings this action under the Patent Laws of the United States, Title 35 of the United States Code. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and § 1338.

4. Centria is the owner of all right and title to United States Patent Nos. D527,834 (“the ’834 Patent”) and D538,948 (“the ’948 Patent”), both of which are entitled “Building Panel.” A true and correct copy of the ’834 Patent is attached hereto as Exhibit A. A true and correct copy of the ’948 Patent is attached hereto as Exhibit B.

5. Upon information and belief, Cleburne has and continues to manufacture, sell, and/or offer for sale building panels in the United States and in this judicial district that infringe the ’834 Patent and the ’948 Patent. Cleburne offers for sale and sells its products on the Internet via its website, www.cleburnesheetmetal.com, which is accessible all over the United States including this judicial district. Cleburne’s website does not purport to preclude prospective customers within this judicial district from obtaining any of its products or services. This infringing activity causes injury to Centria and subjects Cleburne to personal jurisdiction in this judicial district.

6. Venue is proper pursuant to 28 U.S.C. § 1391 and § 1400.

SUMMARY OF FACTS

7. Centria manufactures, sells, and offers for sale building panels in the United States including its Concept Series line of building panels, certain of which building panels embody the designs covered by the ’834 and ’948 Patents.

8. Cleburne manufactures, sells, and offers to sell various building panels in the United States, including its CSM Elite Series Wall Systems. A true and correct copy of Cleburne’s Wall and Soffit Systems brochure obtained from Cleburne’s website, which includes

depictions and descriptions of its CSM Elite Series Wall Systems, is attached hereto as Exhibit C.

9. On or about July 18, 2011, Centria directly notified Cleburne of Centria's belief that certain of Cleburne's building panels infringed the '834 and '948 Patents. Cleburne refused to engage in a business-to-business conversation concerning the dispute and no resolution was reached by the parties.

10. Pursuant to Centria's request, on August 15, 2011, Richard L. Byrne, undersigned counsel for Centria, sent correspondence to Cleburne identifying certain building panels manufactured and sold by Cleburne that infringe the '834 and '948 Patents. In this correspondence, certain of Cleburne's CSM Elite Series Wall Systems were identified in particular, and it was requested that Cleburne cease and desist its infringing activities. The correspondence sent to Cleburne on August 15, 2011 is attached hereto as Exhibit D. No response was received from Cleburne or its counsel.

11. Notwithstanding the undersigned's correspondence sent to Cleburne on August 15, 2011 and the prior notification of infringement from Centria directly, Cleburne continues to manufacture, sell, and offer for sale building panels that infringe the '834 Patent and the '948 Patent.

COUNT I:
INFRINGEMENT OF THE '834 PATENT

12. Centria repeats and re-alleges each and every averment contained in paragraphs 1-11 hereof as if fully set forth herein.

13. Cleburne has infringed the '834 Patent at least by making, using, selling or offering to sell, and by inducing, aiding and abetting, encouraging and contributing to others' use of at least the following building panels within its CSM Elite Series Wall Systems: (1) the BB Elite Wall Panel Series; (2) the BR Elite Wall Panel Series; and (3) the RB Elite Wall Panel Series. Cleburne received notice of the '834 Patent and Cleburne's infringement thereof at least as early as July 18, 2011.

14. Cleburne's infringement has injured Centria, and Centria is entitled to recover damages adequate to compensate them for the infringement that has occurred, including Centria's lost profits, but in no event less than a reasonable royalty pursuant to 35 U.S.C. § 284. Centria is additionally and alternatively entitled to recover Cleburne's total profit attributable to the infringing building panels pursuant to 35 U.S.C. § 289.

15. Cleburne has infringed the '834 Patent with knowledge of the patent and without legal justification or excuse. Therefore, Cleburne's infringement has been and is willful.

16. Centria has been injured and is being injured by Cleburne's infringement of the '834 Patent, and Centria will continue to suffer irreparable harm unless Cleburne's infringement of the '834 Patent is enjoined by this Court.

COUNT II:
INFRINGEMENT OF THE '948 PATENT

17. Centria repeats and re-alleges each and every averment contained in paragraphs 1-11 hereof as though fully set forth herein.

18. Cleburne has infringed the '948 Patent at least by making, using, selling or offering to sell, and by inducing, aiding and abetting, encouraging and contributing to others' use of at least the following building panels within its CSM Elite Series Wall Systems: the SB Elite Wall Panel Series. Cleburne received notice of the '948 Patent and Cleburne's infringement thereof at least as early as July 18, 2011.

19. Cleburne's infringement has injured Centria, and Centria is entitled to recover damages adequate to compensate them for the infringement that has occurred, including Centria's lost profits, but in no event less than a reasonable royalty pursuant to 35 U.S.C. § 284. Centria is additionally and alternatively entitled to recover Cleburne's total profit attributable to the infringing building panels pursuant to 35 U.S.C. § 289.

20. Cleburne has infringed the '948 Patent with knowledge of the patent and without legal justification or excuse. Therefore, Cleburne's infringement has been and is willful.

21. Centria has been injured and is being injured by Cleburne's infringement of the '948 Patent, and Centria will continue to suffer irreparable harm unless Cleburne's infringement of the '948 Patent is enjoined by this Court.

WHEREFORE, Centria respectfully requests judgment be entered against Cleburne as follows:

A. An award of damages adequate to compensate Centria for the infringement that has occurred, in the form of lost profits, a reasonable royalty, and/or Cleburne's total profit, together with prejudgment interest from the date the infringement began;

B. Any other damages permitted in the Court's equitable discretion, including increased damages for willful infringement under 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to Centria of its attorneys' fees and expenses as provided by 35 U.S.C. § 285;

D. An injunction permanently enjoining Cleburne, and all persons in active concert or participation with them, from further acts of infringement of the '834 Patent and the '948 Patent; and

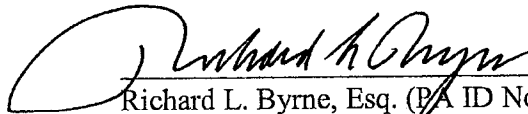
E. Such other and further relief as this Court deems proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Centria hereby demands a trial by jury of all issues triable by jury.

Respectfully submitted,

Dated July 10, 2012



Richard L. Byrne, Esq. (PA ID No. 27913)
Daniel H. Brean, Esq. (PA ID No. 208711)
Justin Martinchek, Esq. (PA ID No. 311471)
The Webb Law Firm
One Gateway Center
420 Fort Duquesne Blvd., Suite 1200
(412) 471-8815
rbyrne@webblaw.com
dbrean@webblaw.com
jmartinchek@webblaw.com



BUCHANAN INGERSOLL
& ROONEY PC
P.O. BOX 1404
ALEXANDRIA VA 22313-1404

COPY MAILED
MAR 13 2008

In re Application of :
Thimons, et al :
Patent No. D527,834 : **DECISION**
Issue Date: 5 September, 2006 :
Application No. 29/203,806 :
Filed: 20 April, 2004 :
Attorney Docket No. 040040 :

This is a notice regarding the request for acceptance of a fee deficiency submission (properly considered under 37 C.F.R. §1.28) filed on 18 August, 2006.

The Office regrets the delay in addressing this matter, however, it was presented to the attorneys in the Office of Petitions only at this writing

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. '1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. §1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 C.F.R. §1.28 hereby is **ACCEPTED**

This file is being released to IFW Files Repository.

Patent No. D 527,834
Application No. 29/203,806

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282, however, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



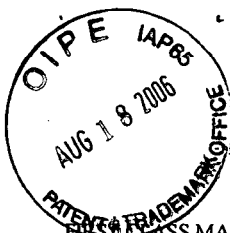
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

JFC



FIRST CLASS MAIL MAILING LABEL

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, under 37 C.F.R. § 1.8 on the date indicated below and is addressed to:

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

8/16/06
Date
Joelene Neuma
Buchanan Ingersoll & Rooney PC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	PATENT APPLICATION
	:	
Thimons et al.	:	BUILDING PANEL
	:	
Serial No.: 29/203,806	:	
	:	Group Art Unit: 2914
	:	
Filed: April 20, 2004	:	Examiner: Doris Clark

PAYMENT OF LARGE ENTITY FEE

08/21/2006 RMEBRAH1 00000042 29203806
01 FC:1506 790.00 0P

Pittsburgh, Pennsylvania 15219
August 16, 2006

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

Dear Sir:

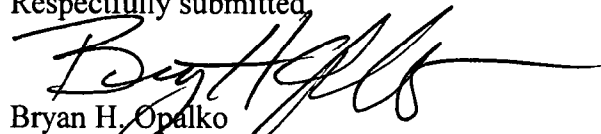
It has been uncovered that Applicants inadvertently claimed small entity status when filing the above-identified application. Accordingly, to ensure that the correct large entity fees have been paid throughout prosecution of this application, enclosed please find a Form PTO-2038 authorizing payment of \$635.00 in this application. The \$635.00 payment is the difference

between the large entity fees that should have been due and the small entity fees that were actually paid. Thus, Applicants submit that large entity fees have now been paid throughout the filing and prosecution of the above-identified application. Applicants revoke its previous small entity claim.

Also enclosed is a return postcard. Please date stamp the postcard and return it us to acknowledge receipt of the enclosed documents.

Dated: AUG. 16, 2006

Respectfully submitted,



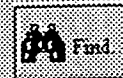
Bryan H. Opalko
Registration No. 40,751
BUCHANAN INGERSOLL & ROONEY PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219
ph: (412) 562-1893
fx: (412) 562-1041
e-mail: bryan.opalko@bipc.com

Attorney for Applicant(s)

Transaction List

Search by

Accounting Date: Operator ID:
 (MMDDYY)



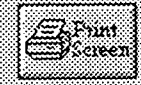
Name/Number: Accounting Date Starts: Ends:
 Attny Docket No:
 Deposit Account No:

Accounting Date	Operator ID	Seq No	Txn Src	Fee Code	St	Amount	Name/Number	Dep Acct
03/06/2006	LWONDIM2	156	SALE	2502	A	400.00	29203806	
02/05/2006	CNGUYEN2	153	SALE	1806	A	180.00	29203806	
09/21/2004	RAMOEMS	426	SALE	8007	A	20.00	29203806	501945
09/20/2004	ECCOOPER	9	SALE	8007	A	20.00	29203806	
07/02/2004	RMEBRAHT	19	SALE	2051	A	65.00	29203806	
05/17/2004	RAMPTAS	223	SALE	8021	A	40.00	29203806	024553
04/22/2004	SDENBOBI	100	SALE	2002	A	170.00	29203806	



Adjustment Detail

Authorization Detail



Adjustment date: 08/21/2006 RMEBRAHT
 03/06/2006 LWONDIM2 00000074 29203806
 01 FC:2502 -400.00 OP

Adjustment date: 08/21/2006 RMEBRAHT
 03/06/2006 LWONDIM2 00000074 29203806
 01 FC:2502 -400.00 OP

Adjustment date: 08/21/2006 RMEBRAHT
 03/06/2006 LWONDIM2 00000074 29203806
 01 FC:2502 -400.00 OP

Notice of Fee Due

Date: 08/15/06

Application Number: 29203506

A fee is due for the attached document for the reason indicated below. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the appropriate fee*. If an authorization is not present, notify the application of the fee deficiency.

***If the fee due is for any of the filing fees, check for authorization to charge the surcharge. If authorization is present, charge the surcharge for late payment of the filing fees as well.**

- Insufficient payment by check or money order.
- Insufficient funds in deposit account _____.
- Insufficient payment by credit card.
- Declined credit card.
- No authorization to charge a deposit account.

Fee code(s) to be applied:	<u>1506</u>	<u>790</u>
----------------------------	-------------	------------

Amount in holding fee code:	<u>1622</u>	
	<u>2622</u>	
	<u>1999</u>	

Total remaining due from applicant:	<u> </u>	<u>10</u>
-------------------------------------	-----------------------------	-----------

RAM Operator [Signature]



UNITED STATES PATENT AND TRADEMARK OFFICE

CP

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

29/203,806	04/20/2004	Mark A. Thimons	040040	4935
------------	------------	-----------------	--------	------

23464 7590 07/06/2006

BUCHANAN INGERSOLL & ROONEY PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

CLARK, DORIS

ART UNIT	PAPER NUMBER
----------	--------------

2914

DATE MAILED: 07/06/2006

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

Response to Rule 312 Communication	Application No.	Applicant(s)	
	29/203,806	THIMONS ET AL.	
	Examiner	Art Unit	
	Doris Clark	2914	

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

1. The amendment filed on 02 February 2006 under 37 CFR 1.312 has been considered, and has been:

a) entered.

b) entered as directed to matters of form not affecting the scope of the invention.

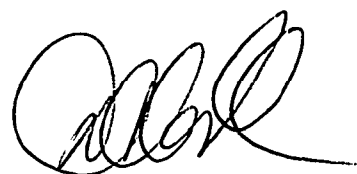
c) disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) disapproved. See explanation below.

e) entered in part. See explanation below.

Note: The information disclosure statement filed February 2, 2006 will not be considered because it does not comply with 37 C.F.R. 1.98 paragraph (b) (1), (2), (3) (4), or (5), and paragraph (a)(3) (i) and (ii). It has been placed in the application file, but the information referred to therein has not been considered as to the merits.



Doris Clark
Primary Examiner
Art Unit: 2914

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(571) 273-2885**

or **Fax**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23464 7590 11/29/2005

**BUCHANAN INGERSOLL, P.C.
ONE OXFORD CENTRE, 301 GRANT STREET
20TH FLOOR
PITTSBURGH, PA 15219**



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

<u>LouAnne Guerra</u>	(Depositor's name)
<u><i>LouAnne Guerra</i></u>	(Signature)
<u>2/28/06</u>	(Date)

03/06/2006 LWNDINH2 00000074 29203806

01 FC:2502 400.00 OP

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/203,806	04/20/2004	Mark A. Thimons	040040	4935

TITLE OF INVENTION: BUILDING PANEL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$400	\$0	\$400	02/28/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
CLARK, DORIS	2914	D25-119000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 Buchanan Ingersoll PC
 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Centria

Moon Township, Pennsylvania

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

- Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s):

- A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 02-4800 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Bryan H. Opallo

Date

2-28-2006

Typed or printed name

Bryan H. Opallo

Registration No.

40,751

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Atty. Ref. No. 040040

EXPRESS MAIL MAILING LABEL
Number: EV 418518600 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the following:

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

FEB 02 2006

2/2/06
Date
Pauline M. ...
Buchanan Ingersoll PC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : PATENT APPLICATION
: :
Thimons et al. : BUILDING PANEL
: :
Serial No.: 29/203,806 :
: : Group Art Unit: 2914
: :
Filed: April 20, 2004 : Examiner: Doris Clark

**AMENDMENT AFTER ALLOWANCE
PURSUANT TO 37 C.F.R. § 1.312**

Pittsburgh, Pennsylvania 15219
February 2, 2006

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

A Notice of Allowance issued in the above-identified case on November 29, 2005. The Issue Fee has not yet been paid. Applicants respectfully request the following amendments be made to the above-identified application without withdrawing the application from issue.

1 of 8 Pages

Atty. Ref. No. 040040

Amendments to the Specification begin on page 3 of this Amendment.

Amendments to the Drawings begin on page 6 of this Amendment.

Remarks/Arguments begin on page 7 of this Amendment.

2 of 8 Pages

PAGE 3/41 * RCVD AT 2/2/2006 11:48:38 AM [Eastern Standard Time] * SVR:USPTO-EFXXRF-6/30 * DNIS:2738300 * CSID: * DURATION (mm-ss):07-44

Atty. Ref. No. 040040

Amendments to the Specification:

At page 1, line 8, after the Preamble, please delete the drawing descriptions (page 1, line 8 to page 4, line 2) in their entirety and replace it with the following:

–Figure 1 is a perspective view of a building panel showing our new design;

Figure 2 is a left side elevational view thereof;

Figure 3 is a front elevational view thereof;

Figure 4 is a bottom plan view thereof;

Figure 5 is a top plan view thereof;

Figure 6 is a perspective view of two building panels attached together;

Figure 7 is a perspective view of a second embodiment of our new design;

Figure 8 is a left side elevational view thereof;

Figure 9 is a front elevational view thereof;

Figure 10 is a bottom plan view thereof;

Figure 11 is a top plan view thereof;

Figure 12 is a perspective view of two building panels attached together;

Figure 13 is a perspective view of a third embodiment of our new design;

Figure 14 is a left side elevational view thereof;

Figure 15 is a front elevational view thereof;

Figure 16 is a bottom plan view thereof;

Figure 17 is a top plan view thereof;

Figure 18 is a perspective view of two building panels attached together;

Figure 19 is a perspective view of a fourth embodiment of our new design;

Figure 20 is a left side elevational view thereof;

3 of 8 Pages

Atty. Ref. No. 040040

Figure 21 is a front elevational view thereof;

Figure 22 is a bottom plan view thereof;

Figure 23 is a top plan view thereof;

Figure 24 is a perspective view of two building panels attached together;

Figure 25 is a perspective view of a fifth embodiment of our new design;

Figure 26 is a left side elevational view thereof;

Figure 27 is a front elevational view thereof;

Figure 28 is a bottom plan view thereof;

Figure 29 is a top plan view thereof;

Figure 30 is a perspective view of two building panels attached together;

Figure 31 is a perspective view of a sixth embodiment of our new design;

Figure 32 is a left side elevational view thereof;

Figure 33 is a front elevational view thereof;

Figure 34 is a bottom plan view thereof;

Figure 35 is a top plan view thereof;

Figure 36 is a perspective view of two building panels attached together;

Figure 37 is a perspective view of a seventh embodiment of our new design;

Figure 38 is a left side elevational view thereof;

Figure 39 is a front elevational view thereof;

Figure 40 is a bottom plan view thereof;

Figure 41 is a top plan view thereof; and

Figure 42 is a perspective view of two building panels attached together.

4 of 8 Pages

Atty. Ref. No. 040040

The broken lines are for illustrative purposes only and form no part of the claimed design.

The claimed design is broken on one side to indicate indefinite length.--

5 of 8 Pages

Atty. Ref. No. 040040

Amendments to the Drawings:

Enclosed herewith is a complete replacement set of drawings (28 sheets) including Figures 1-42. Applicants have made the appropriate corrections to the drawings as indicated in the Notice of Allowance. Specifically, Applicants have renumbered Figures 43-54 as Figures 31-42 in view of the cancellation of Figures 31-42, and have shown the second panel in broken lines in Figures 6, 12, 18, 24, 30, 36 and 42 submitted herewith.

6 of 8 Pages

Atty. Ref. No. 040040

REMARKS

Applicants have made the appropriate amendments to the drawings as required in the Notice of Allowance. Specifically, Applicants have cancelled Figures 37-42 from the present application, as required by the Notice of Allowance. Additionally, Applicants have cancelled Figures 31-36 in view of the newly submitted prior art, which is being submitted in an Information Disclosure Statement filed herewith.

In view of the cancellation of Figures 31-42, Applicants have renumbered Figures 43-54 as Figures 31-42. Additionally, Applicants have shown the second panel in broken lines in Figures 6, 12, 18, 24, 30, 36 and 42 submitted herewith. For convenience, Applicants are submitting a complete set of drawings (28 sheets) including Figures 1-42, which include the amendments indicated above. Applicants submit that the requirements set forth in the Notice of Allowance have been met.

Applicants are submitting herewith for consideration admitted prior art which recently came to Applicants' attention. Applicants submit that the Building Panel as shown and described in the Figures is patentable over the admitted prior art. While Applicants have cancelled original Figures 31-36, this is not an admission that these Figures, nor any other Figures in the application, are rendered unpatentable over the admitted prior art. Applicants submit that the admitted prior art is substantially different from the Building Panel as shown and described in the Figures. With respect to cancelled Figures 31-36, Applicants believe there are differences between these Figures and the prior art in at least the various angles and lengths used in each design. Nonetheless, Applicants are cancelling Figures 31-36 from the present application.

Applicants respectfully request entry of this Amendment and consideration of the admitted prior art submitted contemporaneously herewith. Applicants respectfully submit that

7 of 8 Pages

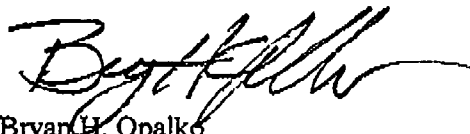
Atty. Ref. No. 040040

the present application, which now includes Figures 1-42, is in condition for allowance. Early notification to that effect is respectfully requested.

The Commissioner is hereby authorized to charge any fees required in connection with this communication to Deposit Account No. 02-4553.

Should any issues remain, the Examiner is invited to contact the undersigned at the number listed below to advance prosecution of the case. A copy of this submission is also being faxed to the Examiner at 571-273-8300.

Respectfully submitted,



Dated: FEB. 2, 2006

Bryan H. Opalko
Registration No. 40,751
BUCHANAN INGERSOLL PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219
ph: (412) 562-1893
fx: (412) 562-1041
e-mail: opalkobh@bipc.com

Attorney for Applicant(s)

8 of 8 Pages

**Buchanan Ingersoll
Professional Corporation**

One Oxford Center, 20th Floor
301 Grant Street
Pittsburgh, PA 15219-1410

RECEIVED
CENTRAL FAX CENTER

FEB 02 2006

Fax Number

Oxford Centre, 20th Floor: (412) 562-1041
441 Smithfield St.: (412) 391-0661

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

FAX COVER SHEET

Please deliver the following materials as soon as possible.

No of Pages
(Including cover sheet)

41

TO/COMPANY	FAX/PHONE
DORIS CLARK PRIMARY EXAMINER	FAX # 571-273-8300 PHONE #
	FAX # PHONE #
	FAX # PHONE #
Re: SERIAL No. 29/203 806	FAX # PHONE #
	FAX # PHONE #

FROM: Bryan H. Opalko

Telephone #: (412) 562-1893

Date: 2-2-2006

Additional Comments or Instructions:

FAXED HERewith ARE:

- IDS
- AMENDMENT AFTER ALLOWANCE
(UNDER 51.312)

Return Originals to: Bryan H. Opalko

Floor No. 21-B

IF YOU DO NOT RECEIVE THE DESIGNATED NUMBER OF PAGES, OR IF YOU EXPERIENCE ANY PROBLEM WITH THE TRANSMISSION OF THIS DOCUMENT, PLEASE CALL OUR FAX OPERATOR AT (412) 562-8865 (OXFORD) OR (412) 562-3893 (SMITHFIELD)

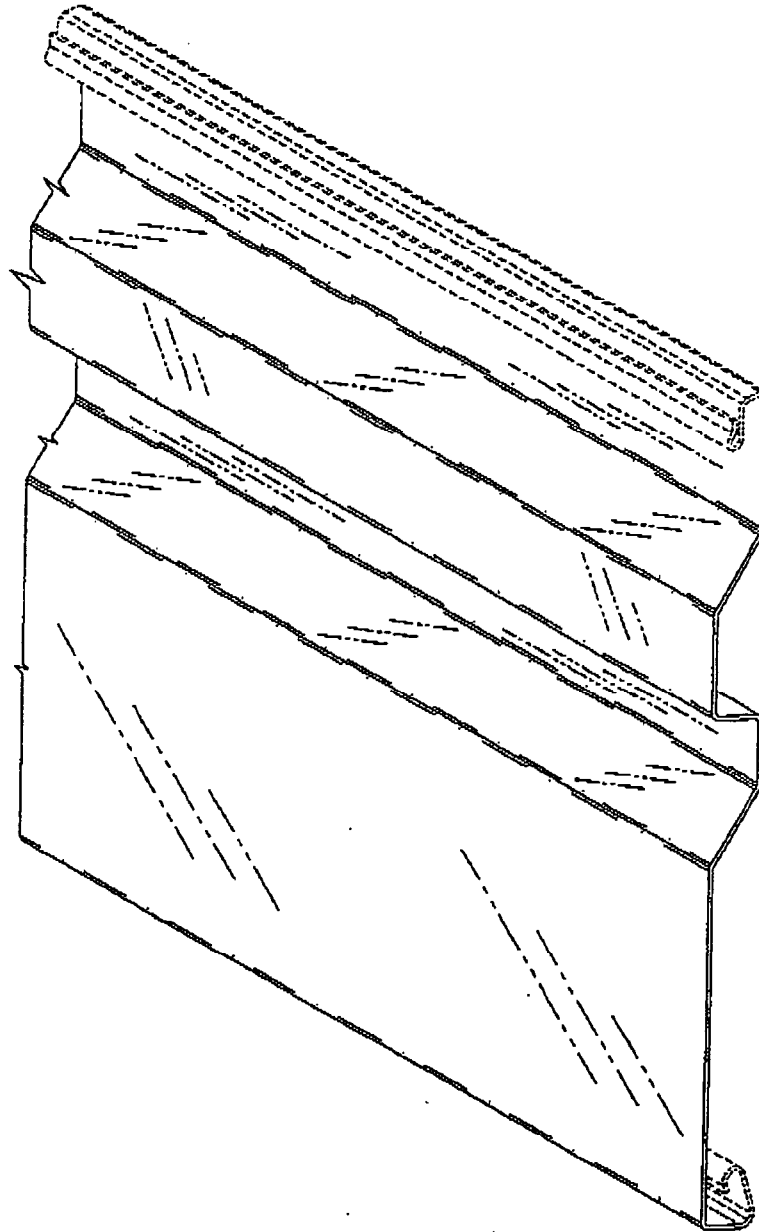


FIG. 1

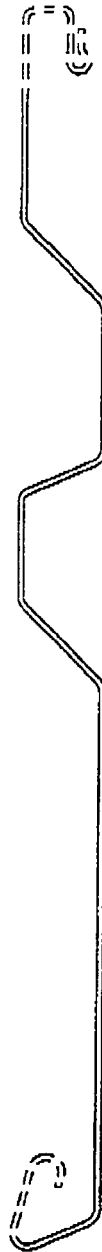


FIG. 2

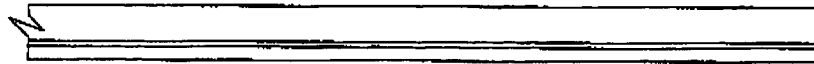


FIG. 5

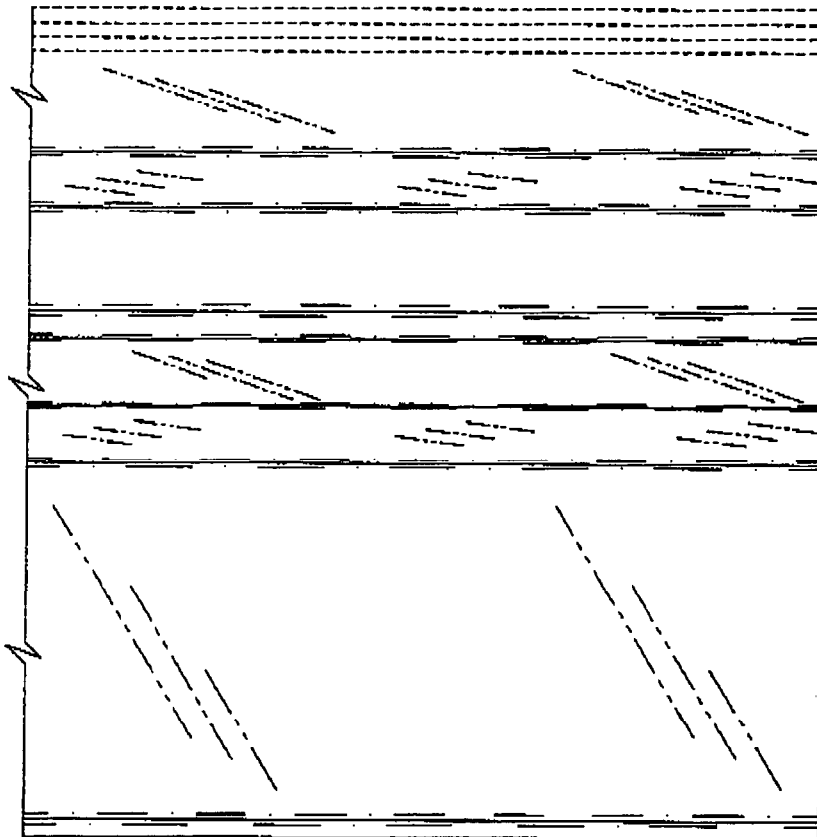


FIG. 3

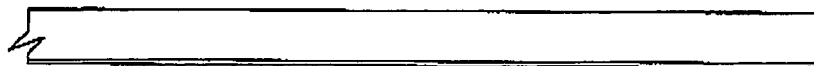


FIG. 4

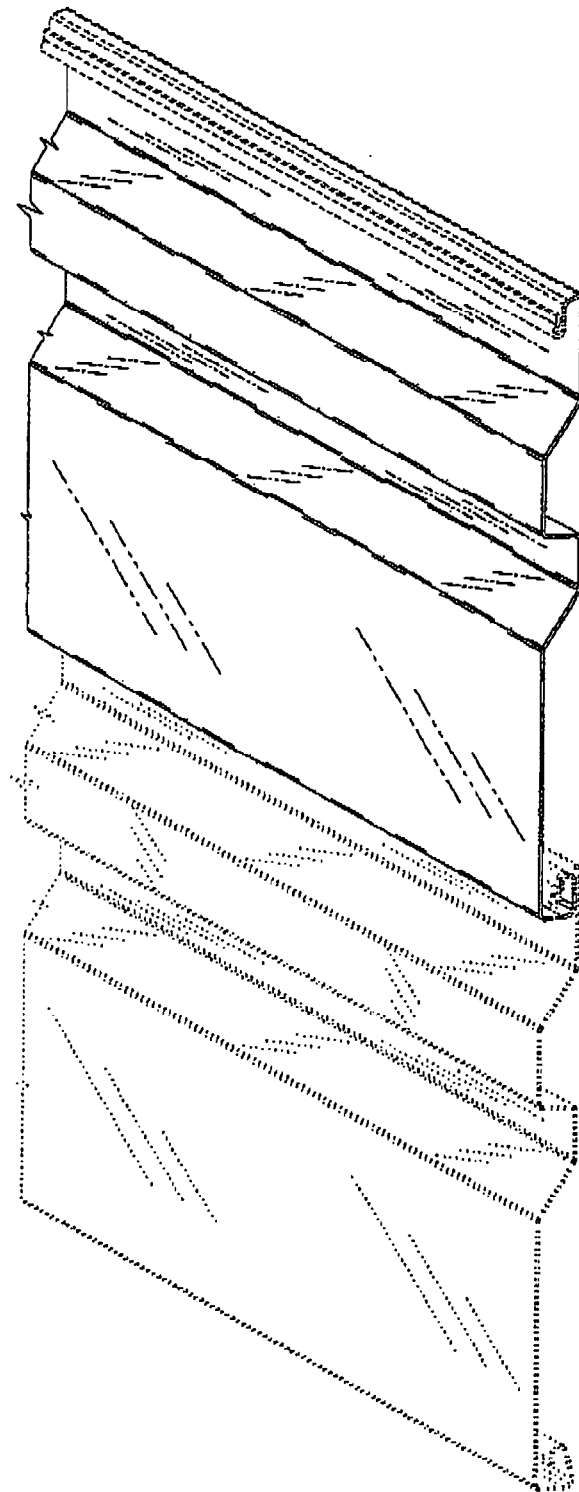


FIG. 6

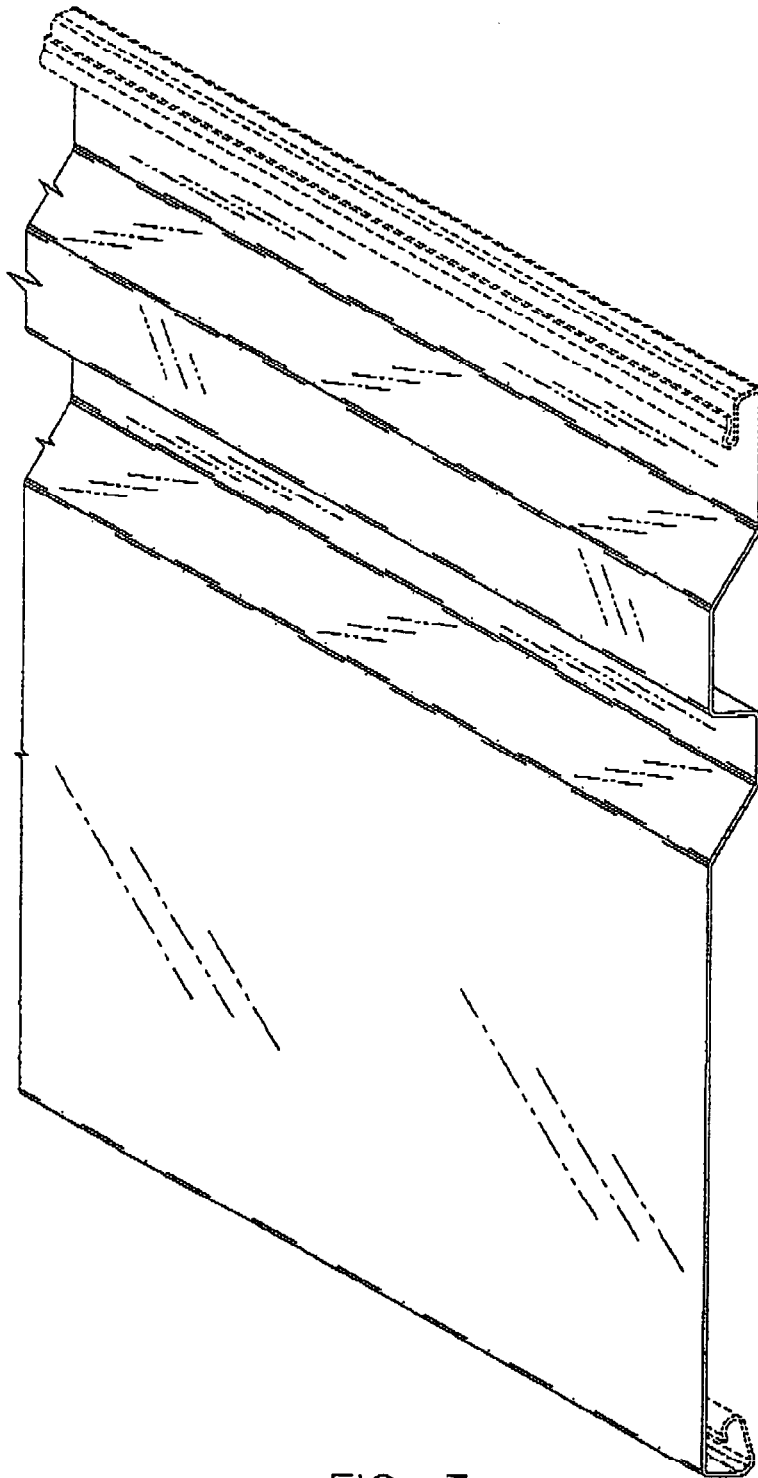


FIG. 7



FIG. 8

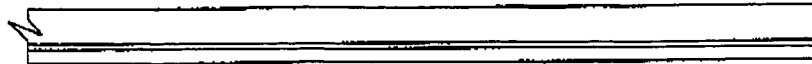


FIG. 11

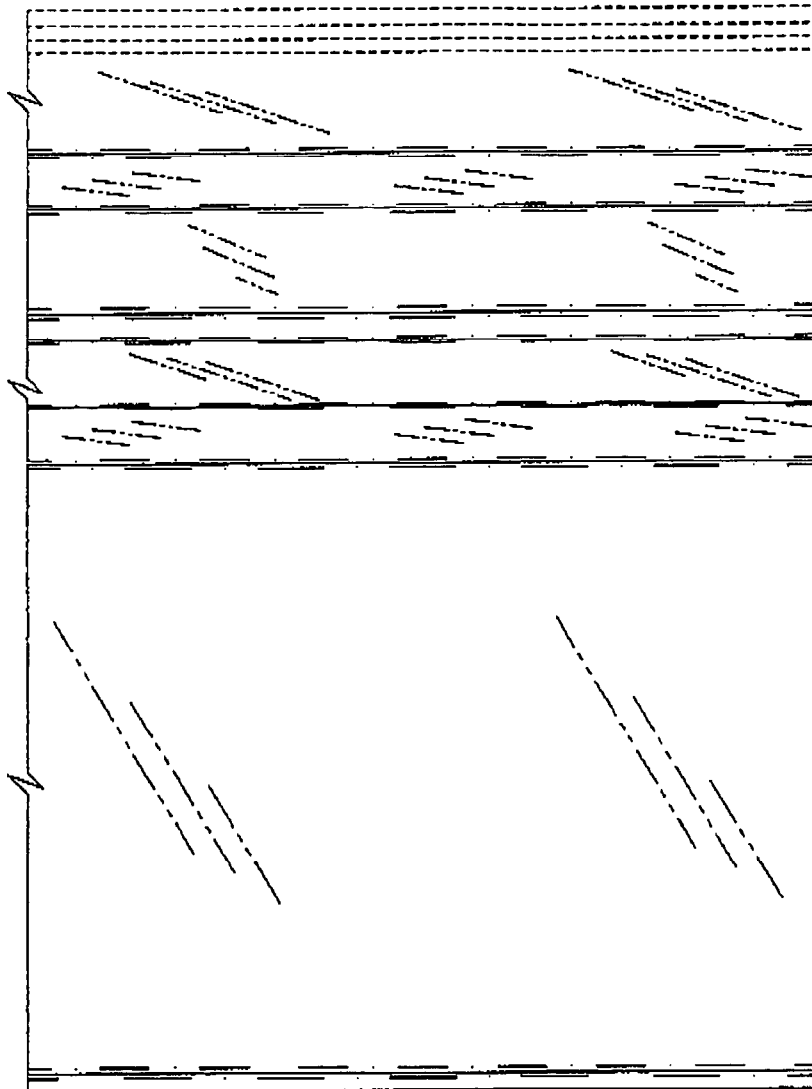


FIG. 9

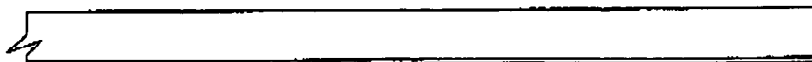


FIG. 10

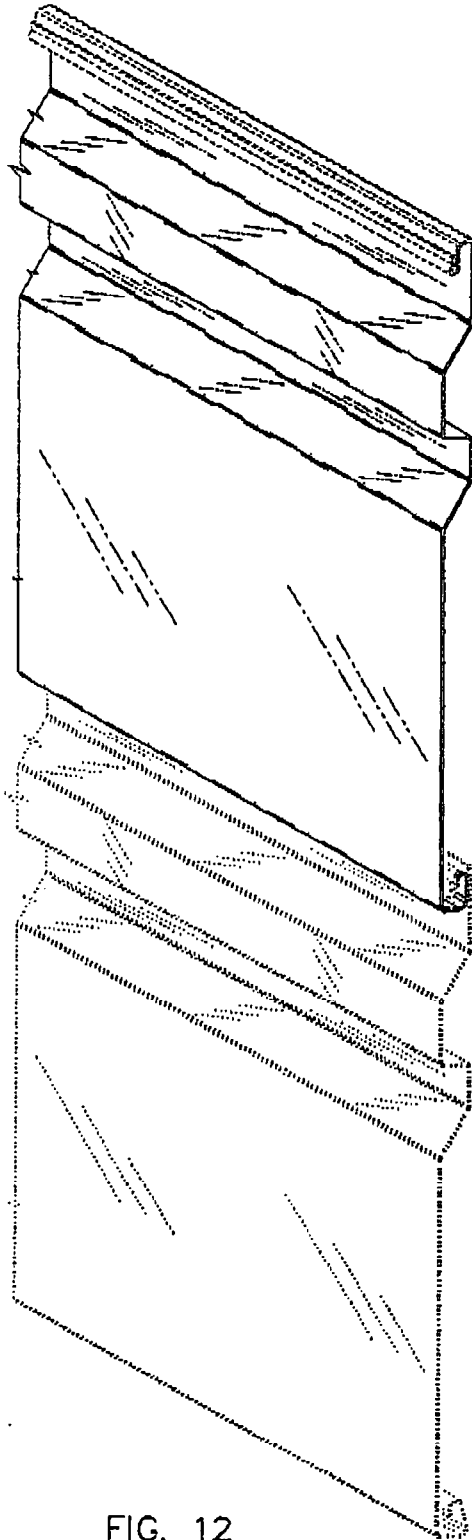


FIG. 12

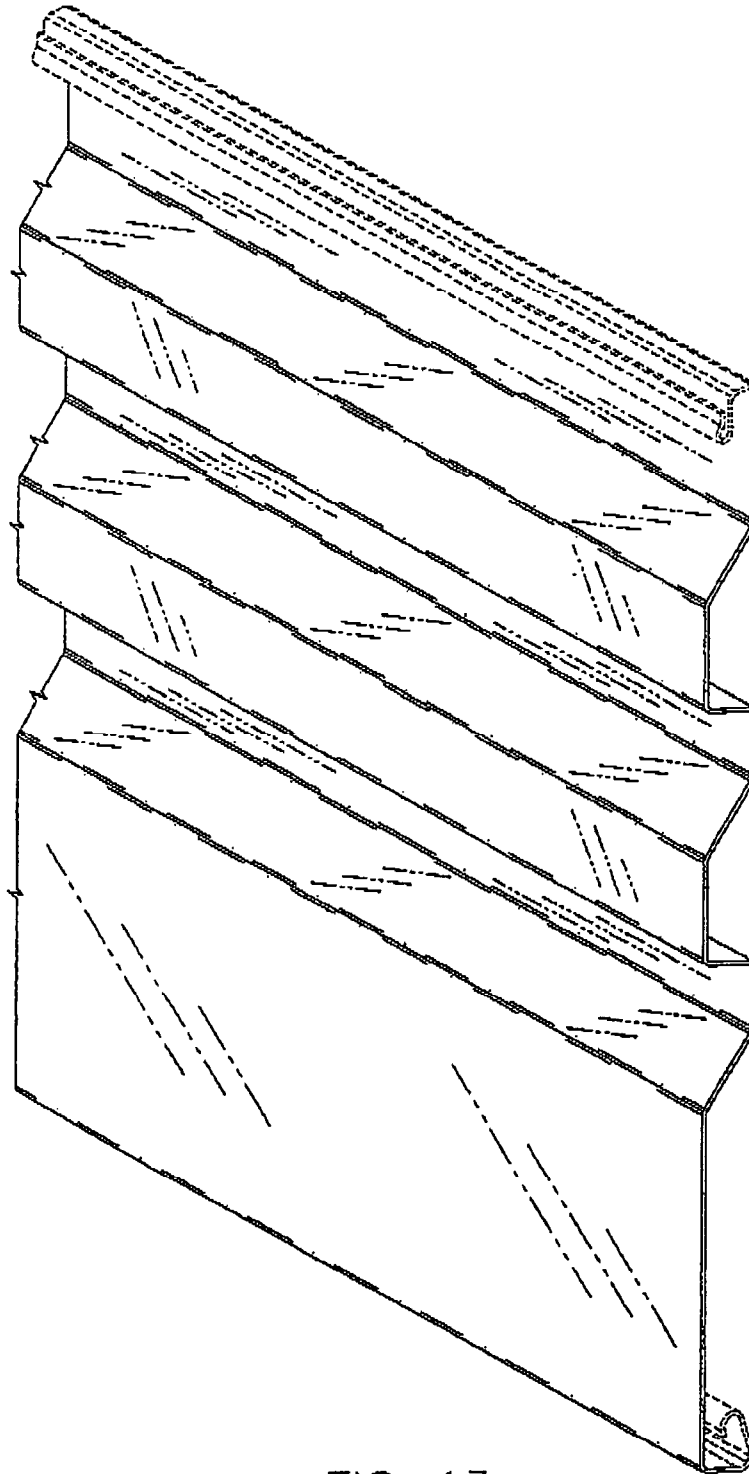


FIG. 13



FIG. 14

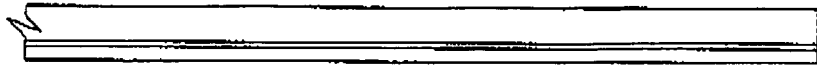


FIG. 17

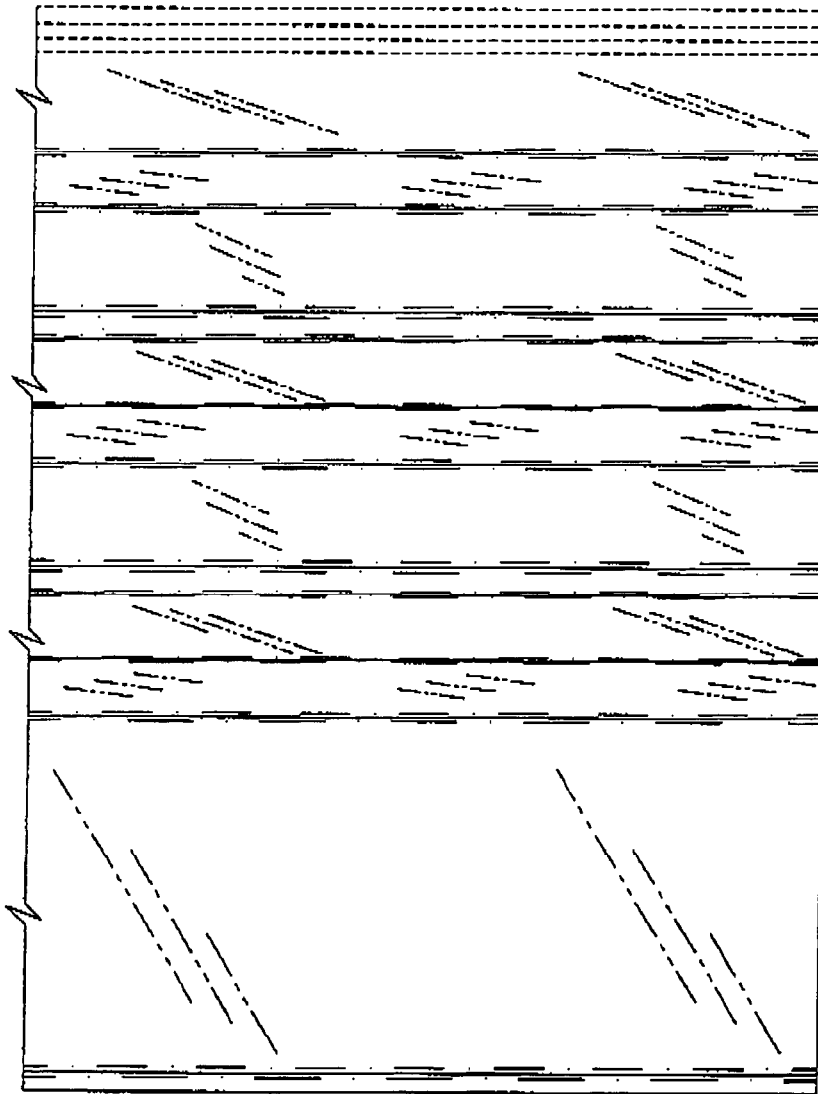


FIG. 15



FIG. 16

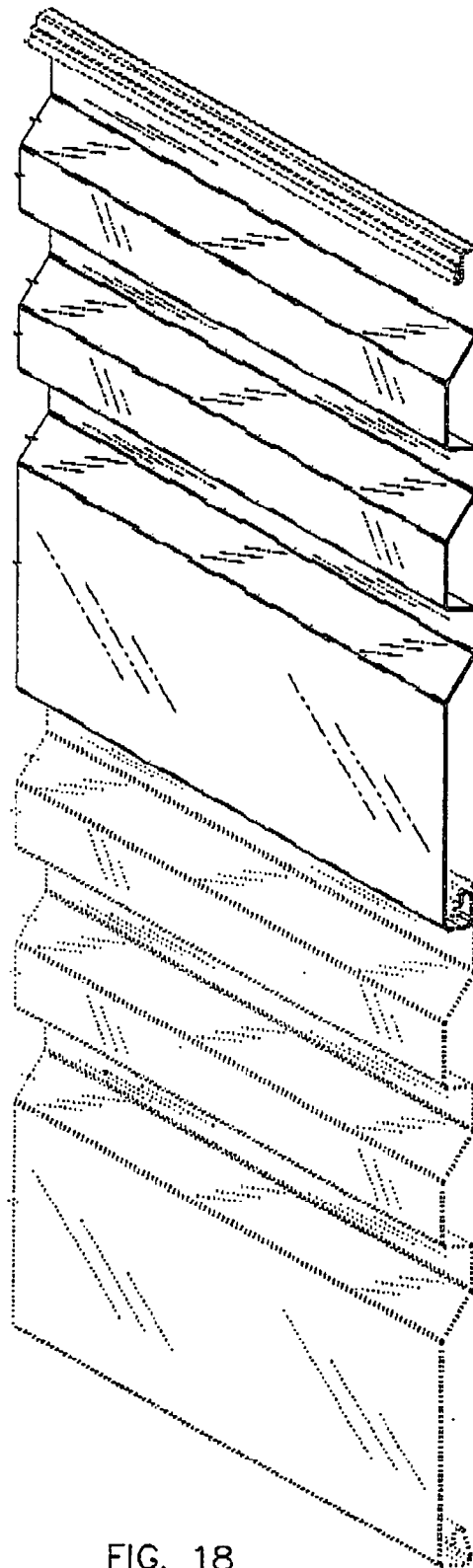


FIG. 18

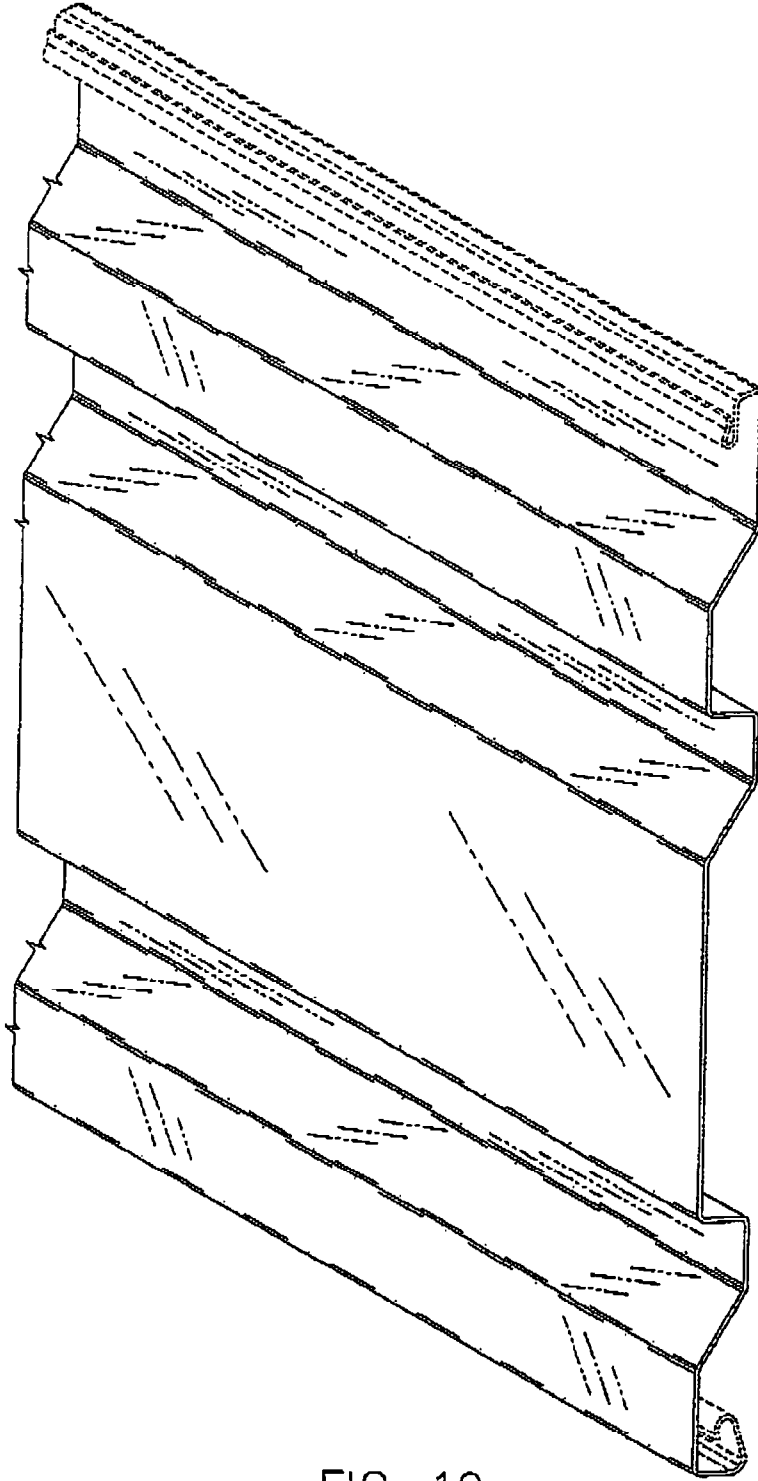


FIG. 19

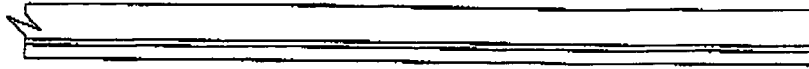


FIG. 23

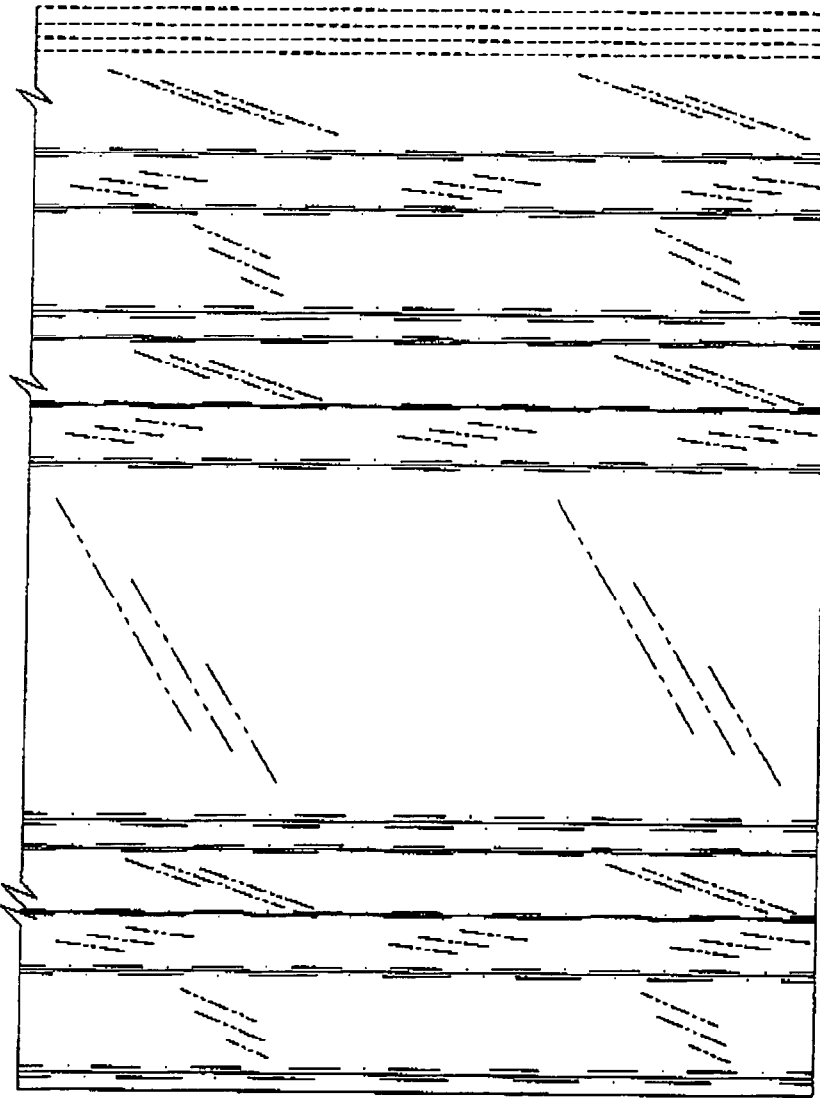


FIG. 21



FIG. 22

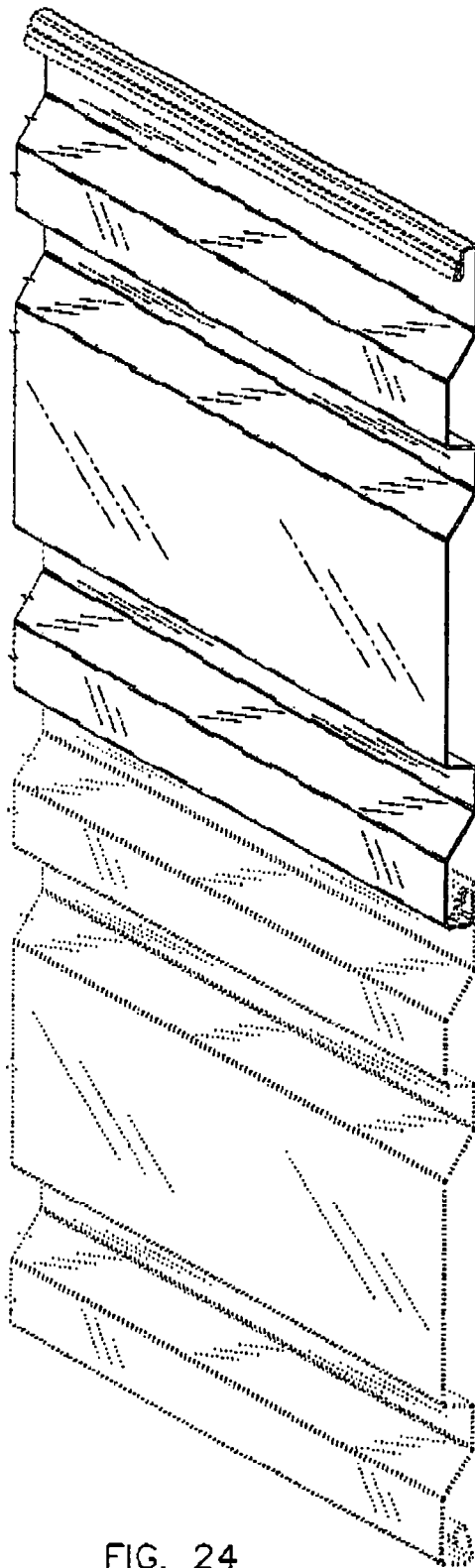


FIG. 24

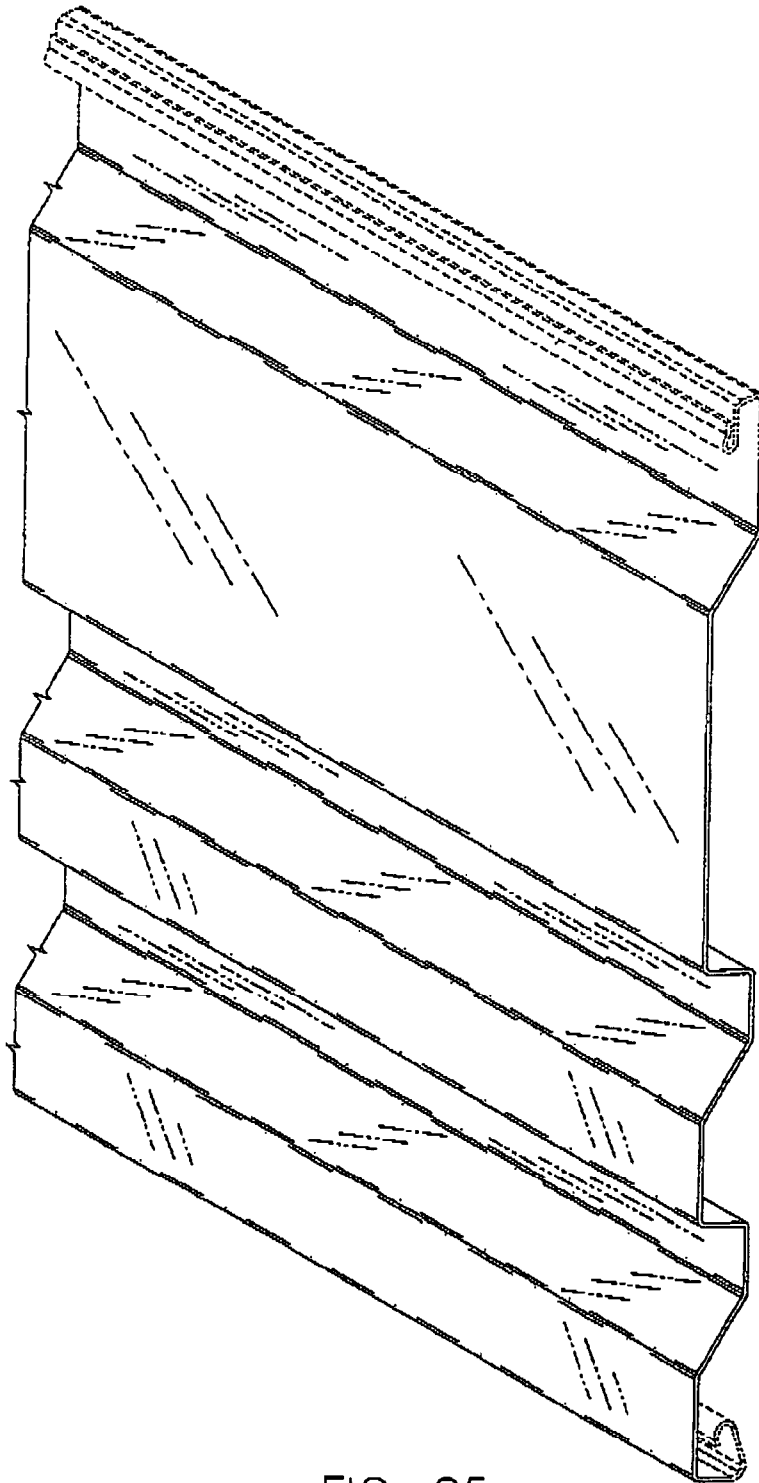


FIG. 25



FIG. 26

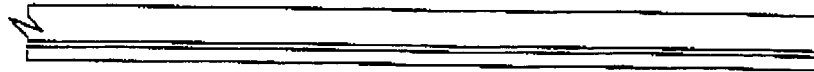


FIG. 29

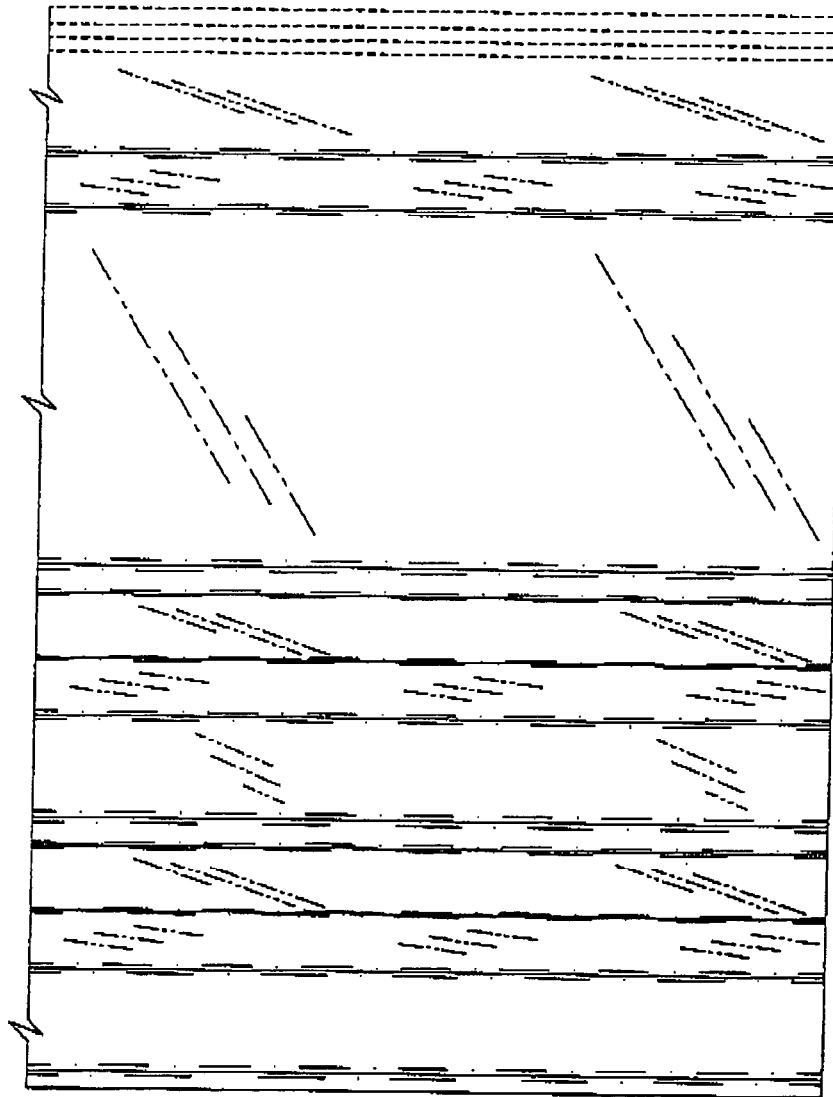


FIG. 27



FIG. 28

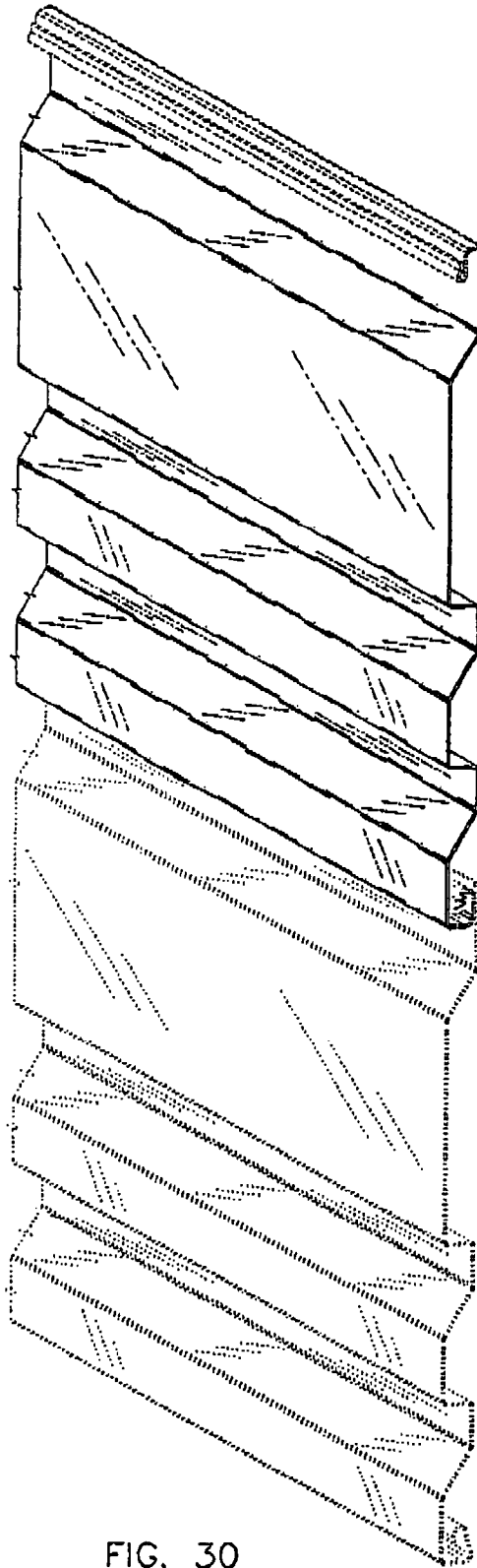


FIG. 30

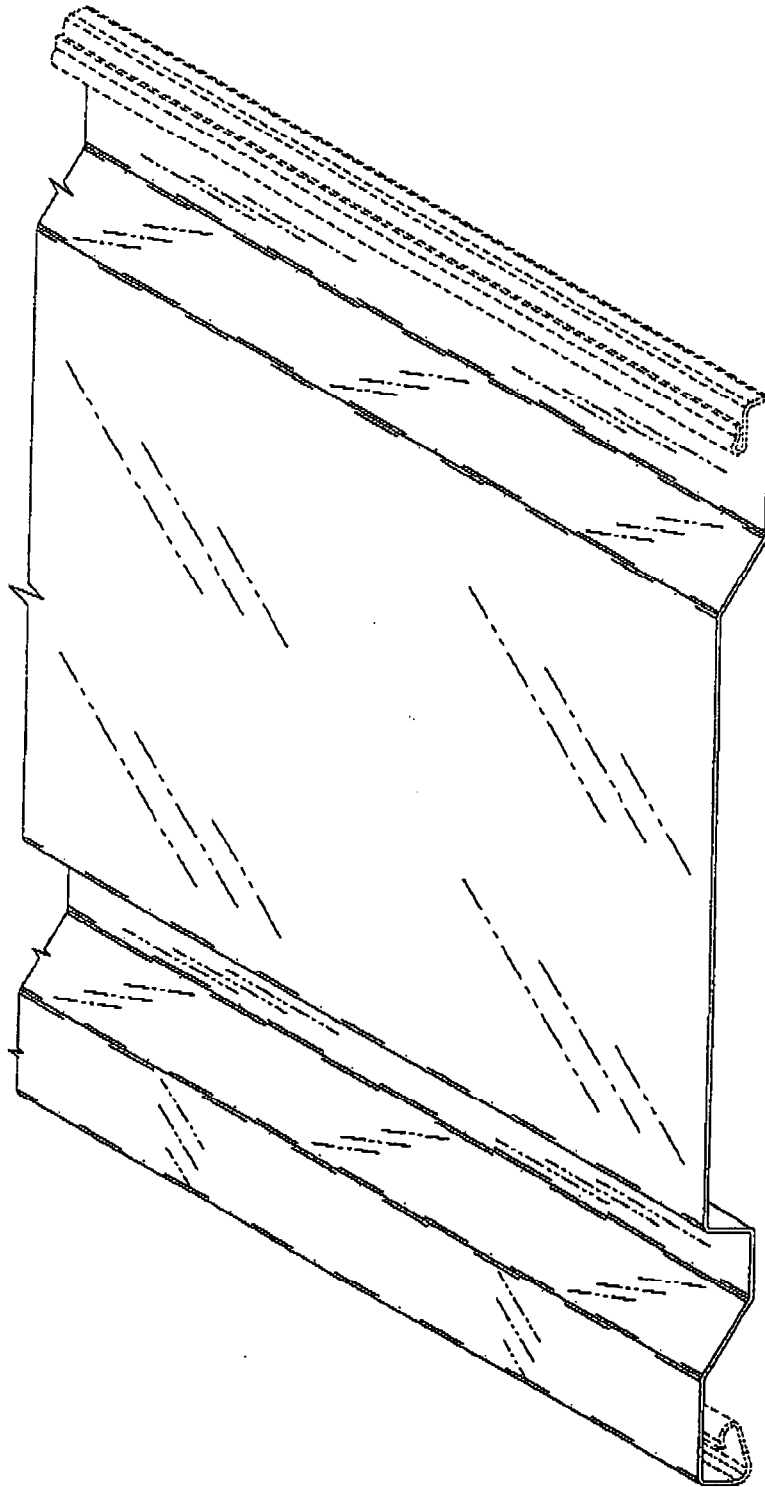


FIG. 31

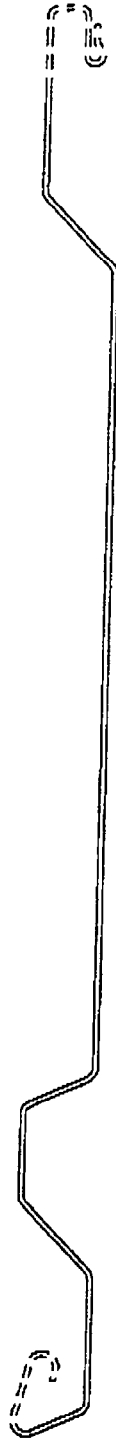


FIG. 32

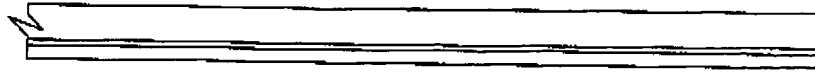


FIG. 35

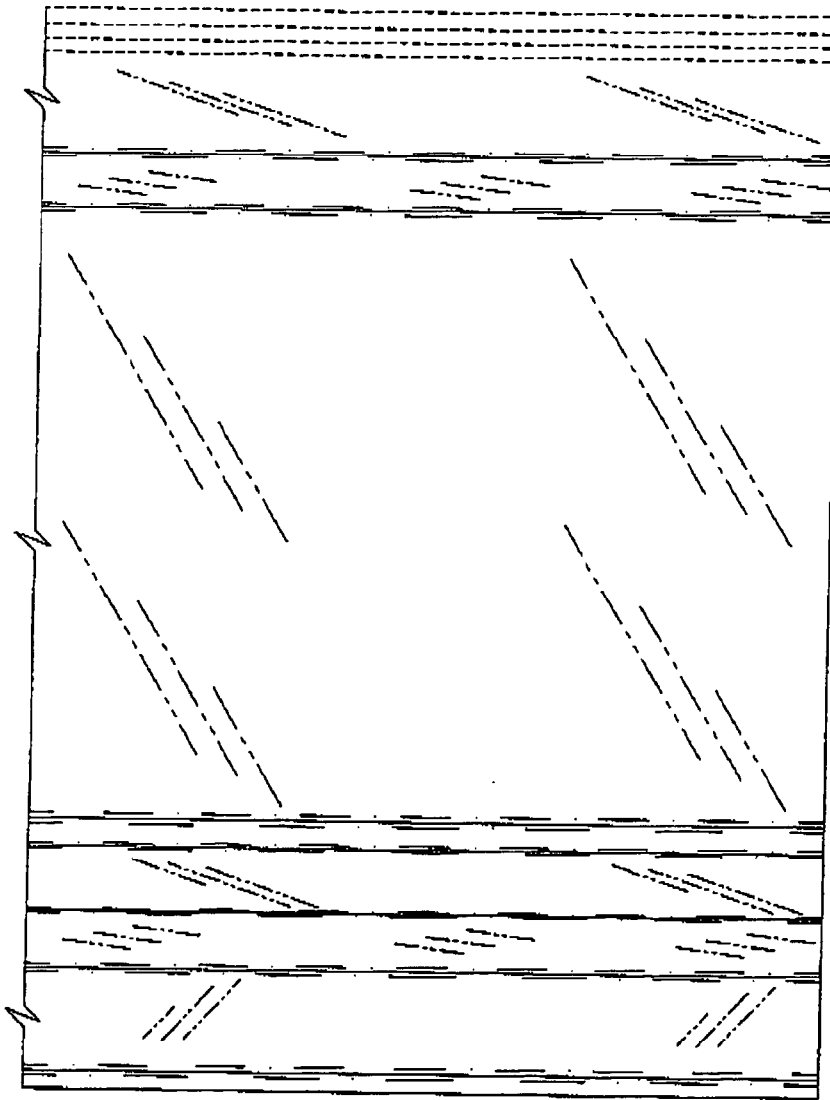


FIG. 33

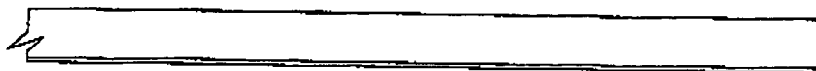


FIG. 34

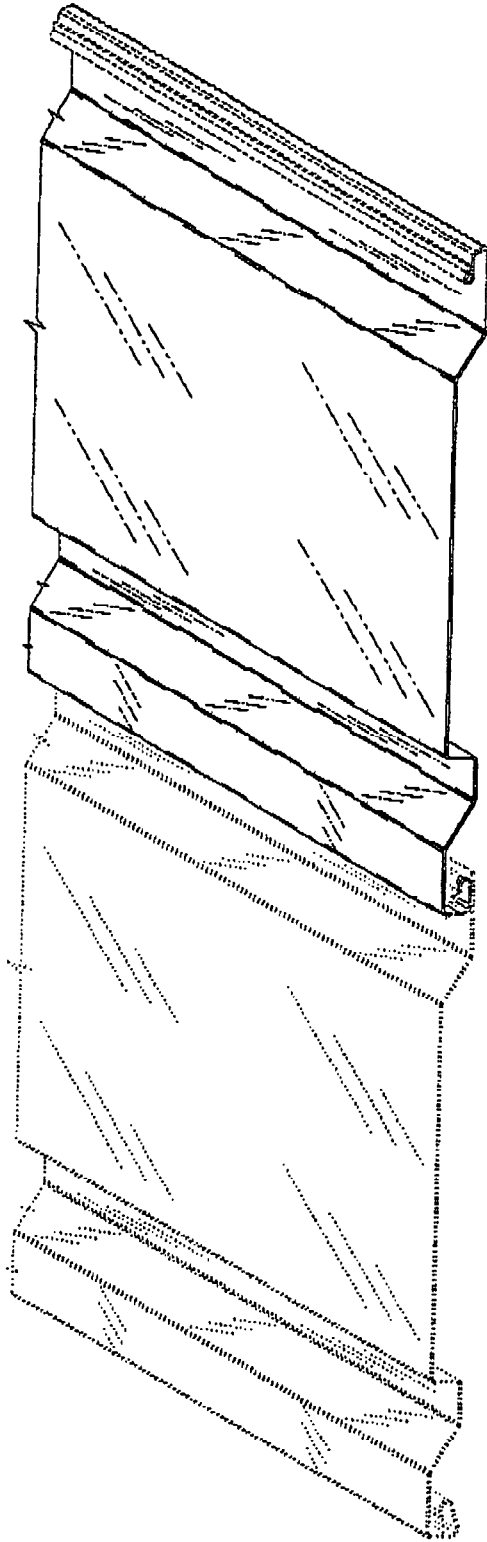


FIG. 36

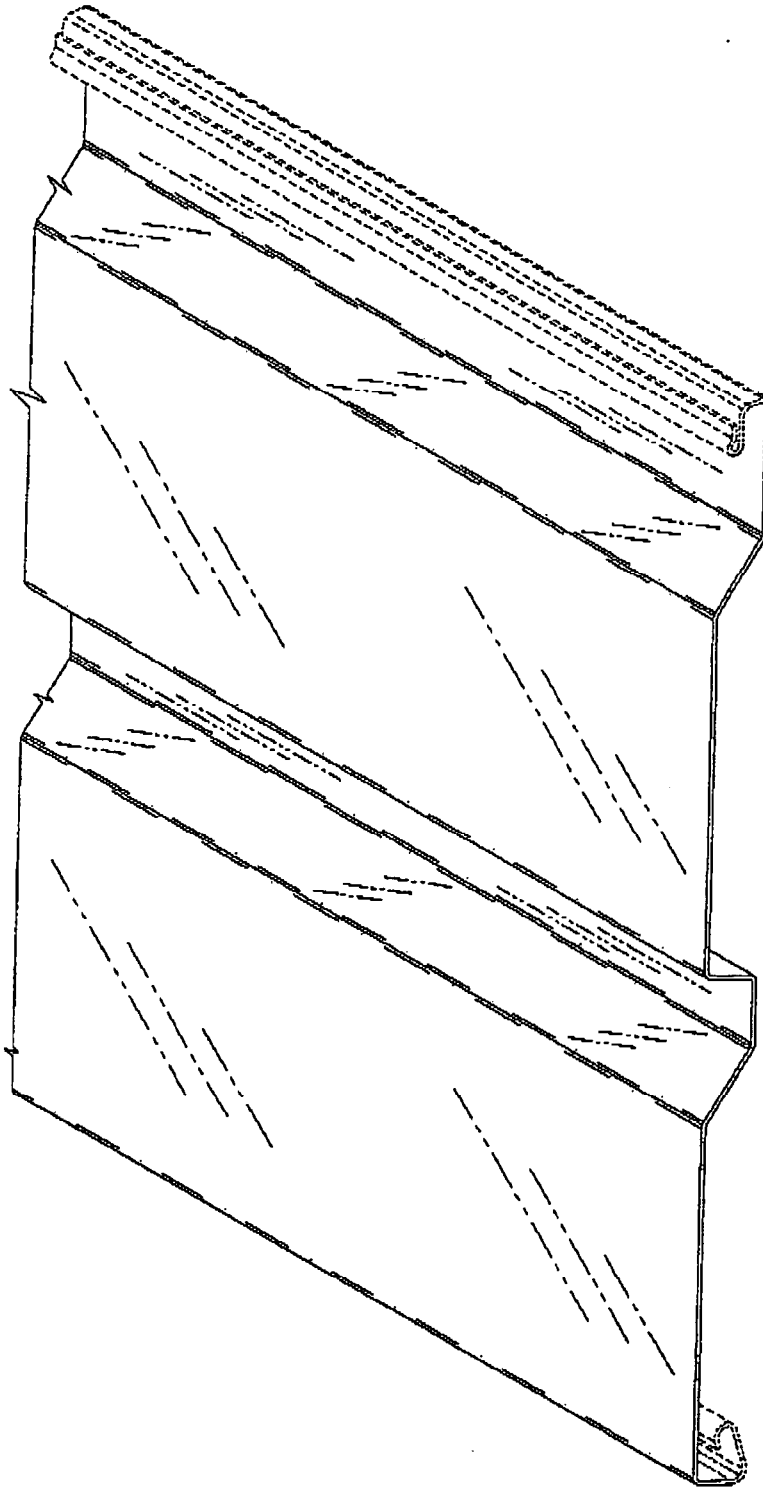


FIG. 37

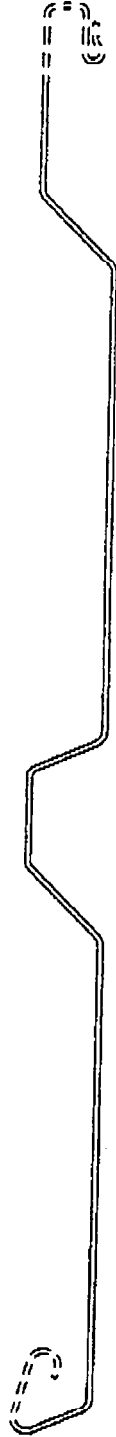


FIG. 38

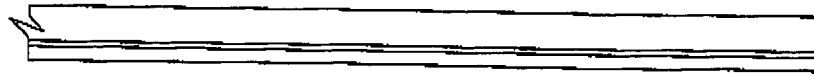


FIG. 41

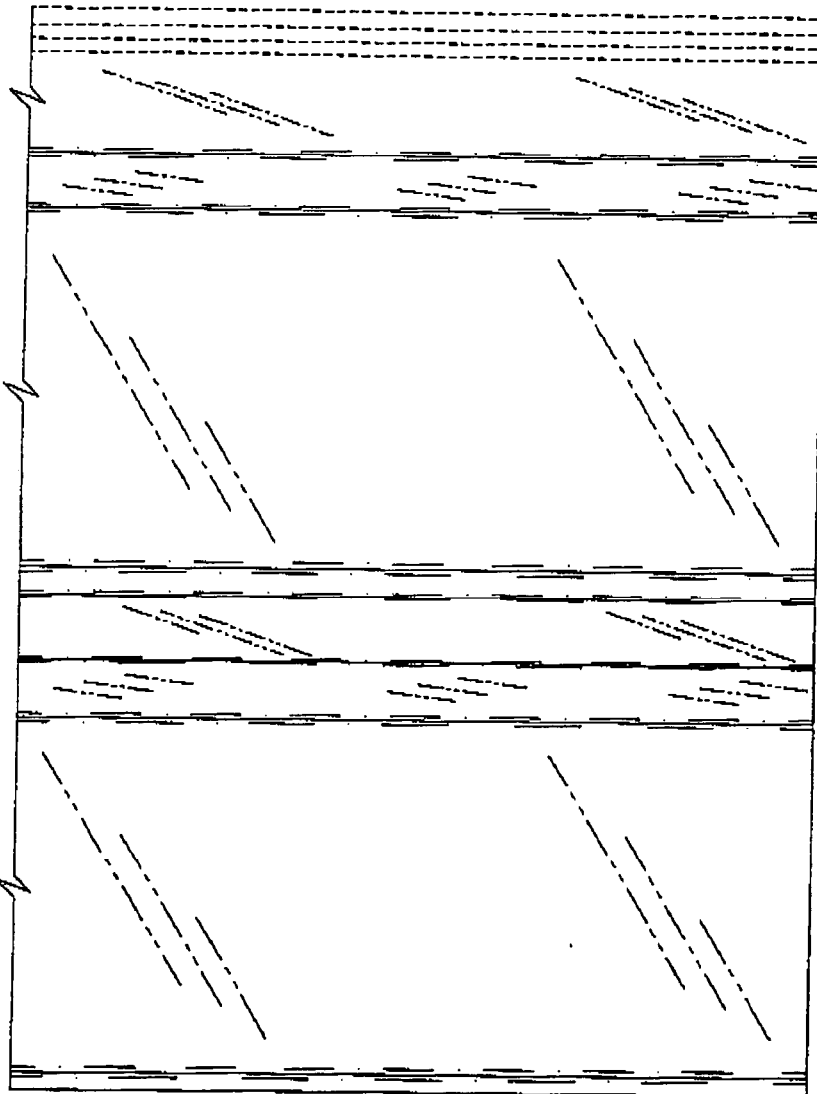


FIG. 39

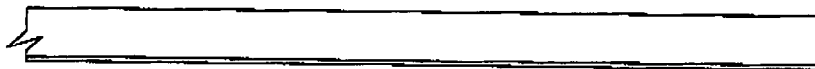
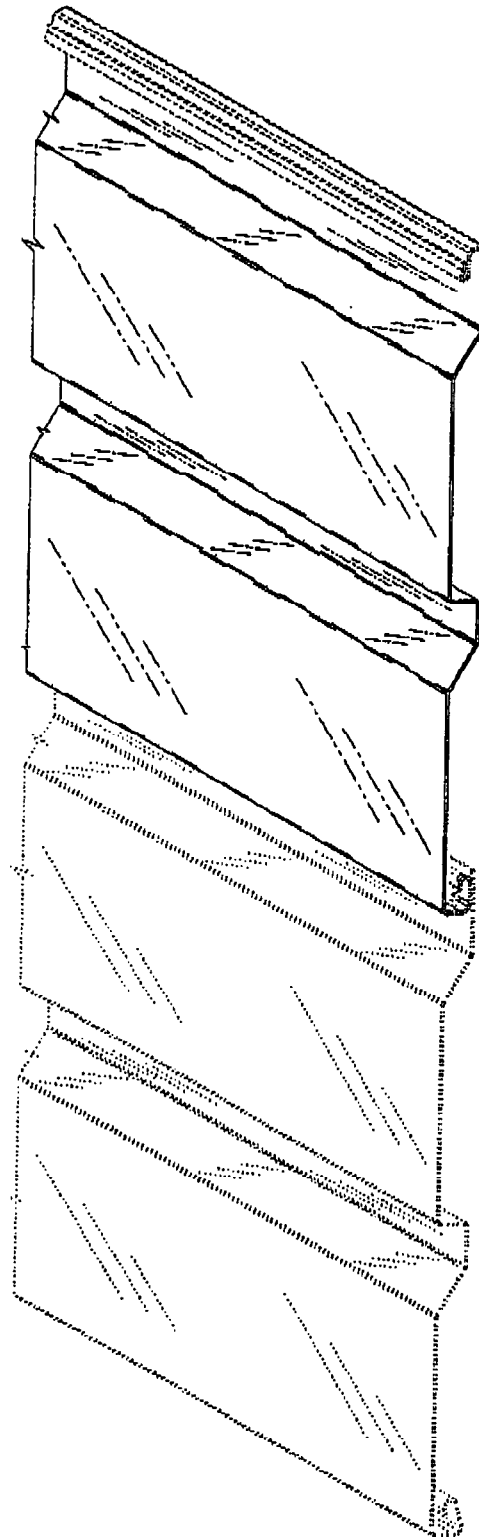


FIG. 40



Atty. Ref. No. 040040

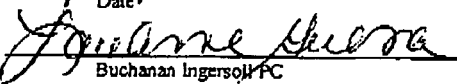
EXPRESS MAIL MAILING LABEL
Number: EV 418518600 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the following:

RECEIVED
CENTRAL FAX CENTER

FEB 02 2006

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

2/2/06
Date

Buchanan Ingersoll PC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	PATENT APPLICATION
	:	
Thimons et al.	:	BUILDING PANEL
	:	
Serial No.: 29/203,806	:	
	:	Group Art Unit: 2914
	:	
Filed: April 20, 2004	:	Examiner: Doris Clark

INFORMATION DISCLOSURE STATEMENT

Pittsburgh, Pennsylvania 15219
February 2, 2006

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98.

Pursuant to 37 C.F.R. § 1.98, a copy of the document cited is enclosed. The document is undated, but is admitted as prior art by Applicants.

1 of 2 Pages

Atty. Ref. No. 040040

The document is being submitted after a Notice of Allowance, therefore, under 37 C.F.R. § 1.97(d), a statement pursuant to § 1.97(e)(2) is provided.

The undersigned hereby states that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Additionally required is the fee under 37 C.F.R. § 1.17(p). Enclosed is a check for \$180.00 to cover the required fee.

To assist the Examiner, the submitted document is listed on the attached form PTO/SB/08B. It is respectfully requested that an Examiner-initialed copy of this form be returned to the undersigned. A copy of this submission is also being faxed to the Examiner at 571-273-8300.

Respectfully submitted,



Bryan H. Opalko
Registration No. 40,751
BUCHANAN INGERSOLL PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219
ph: (412) 562-1893
fx: (412) 562-1041
e-mail: opalkobh@bipc.com

Attorney for Applicant(s)

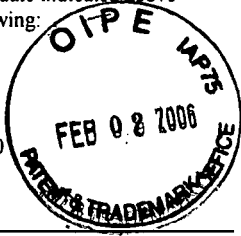
Dated: FEB. 2, 2006

2 of 2 Pages

EXPRESS MAIL MAILING LABEL
Number: EV 418518600 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the following:

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



2/2/06
Date
Buchanan Ingersoll PC
Buchanan Ingersoll PC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	PATENT APPLICATION
	:	
Thimons et al.	:	BUILDING PANEL
	:	
Serial No.: 29/203,806	:	
	:	Group Art Unit: 2914
	:	
Filed: April 20, 2004	:	Examiner: Doris Clark

**AMENDMENT AFTER ALLOWANCE
PURSUANT TO 37 C.F.R. § 1.312**

Pittsburgh, Pennsylvania 15219
February 2, 2006

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

A Notice of Allowance issued in the above-identified case on November 29, 2005. The Issue Fee has not yet been paid. Applicants respectfully request the following amendments be made to the above-identified application without withdrawing the application from issue.

Amendments to the Specification begin on page 3 of this Amendment.

Amendments to the Drawings begin on page 6 of this Amendment.

Remarks/Arguments begin on page 7 of this Amendment.

Amendments to the Specification:

At page 1, line 8, after the Preamble, please delete the drawing descriptions (page 1, line 8 to page 4, line 2) in their entirety and replace it with the following:

--Figure 1 is a perspective view of a building panel showing our new design;

Figure 2 is a left side elevational view thereof;

Figure 3 is a front elevational view thereof;

Figure 4 is a bottom plan view thereof;

Figure 5 is a top plan view thereof;

Figure 6 is a perspective view of two building panels attached together;

Figure 7 is a perspective view of a second embodiment of our new design;

Figure 8 is a left side elevational view thereof;

Figure 9 is a front elevational view thereof;

Figure 10 is a bottom plan view thereof;

Figure 11 is a top plan view thereof;

Figure 12 is a perspective view of two building panels attached together;

Figure 13 is a perspective view of a third embodiment of our new design;

Figure 14 is a left side elevational view thereof;

Figure 15 is a front elevational view thereof;

Figure 16 is a bottom plan view thereof;

Figure 17 is a top plan view thereof;

Figure 18 is a perspective view of two building panels attached together;

Figure 19 is a perspective view of a fourth embodiment of our new design;

Figure 20 is a left side elevational view thereof;

Figure 21 is a front elevational view thereof;
Figure 22 is a bottom plan view thereof;
Figure 23 is a top plan view thereof;
Figure 24 is a perspective view of two building panels attached together;
Figure 25 is a perspective view of a fifth embodiment of our new design;
Figure 26 is a left side elevational view thereof;
Figure 27 is a front elevational view thereof;
Figure 28 is a bottom plan view thereof;
Figure 29 is a top plan view thereof;
Figure 30 is a perspective view of two building panels attached together;
Figure 31 is a perspective view of a sixth embodiment of our new design;
Figure 32 is a left side elevational view thereof;
Figure 33 is a front elevational view thereof;
Figure 34 is a bottom plan view thereof;
Figure 35 is a top plan view thereof;
Figure 36 is a perspective view of two building panels attached together;
Figure 37 is a perspective view of a seventh embodiment of our new design;
Figure 38 is a left side elevational view thereof;
Figure 39 is a front elevational view thereof;
Figure 40 is a bottom plan view thereof;
Figure 41 is a top plan view thereof; and
Figure 42 is a perspective view of two building panels attached together.

The broken lines are for illustrative purposes only and form no part of the claimed design.

The claimed design is broken on one side to indicate indefinite length.--

Amendments to the Drawings:

Enclosed herewith is a complete replacement set of drawings (28 sheets) including Figures 1-42. Applicants have made the appropriate corrections to the drawings as indicated in the Notice of Allowance. Specifically, Applicants have renumbered Figures 43-54 as Figures 31-42 in view of the cancellation of Figures 31-42, and have shown the second panel in broken lines in Figures 6, 12, 18, 24, 30, 36 and 42 submitted herewith.

REMARKS

Applicants have made the appropriate amendments to the drawings as required in the Notice of Allowance. Specifically, Applicants have cancelled Figures 37-42 from the present application, as required by the Notice of Allowance. Additionally, Applicants have cancelled Figures 31-36 in view of the newly submitted prior art, which is being submitted in an Information Disclosure Statement filed herewith.

In view of the cancellation of Figures 31-42, Applicants have renumbered Figures 43-54 as Figures 31-42. Additionally, Applicants have shown the second panel in broken lines in Figures 6, 12, 18, 24, 30, 36 and 42 submitted herewith. For convenience, Applicants are submitting a complete set of drawings (28 sheets) including Figures 1-42, which include the amendments indicated above. Applicants submit that the requirements set forth in the Notice of Allowance have been met.

Applicants are submitting herewith for consideration admitted prior art which recently came to Applicants' attention. Applicants submit that the Building Panel as shown and described in the Figures is patentable over the admitted prior art. While Applicants have cancelled original Figures 31-36, this is not an admission that these Figures, nor any other Figures in the application, are rendered unpatentable over the admitted prior art. Applicants submit that the admitted prior art is substantially different from the Building Panel as shown and described in the Figures. With respect to cancelled Figures 31-36, Applicants believe there are differences between these Figures and the prior art in at least the various angles and lengths used in each design. Nonetheless, Applicants are cancelling Figures 31-36 from the present application.

Applicants respectfully request entry of this Amendment and consideration of the admitted prior art submitted contemporaneously herewith. Applicants respectfully submit that

the present application, which now includes Figures 1-42, is in condition for allowance. Early notification to that effect is respectfully requested.

The Commissioner is hereby authorized to charge any fees required in connection with this communication to Deposit Account No. 02-4553.

Should any issues remain, the Examiner is invited to contact the undersigned at the number listed below to advance prosecution of the case. A copy of this submission is also being faxed to the Examiner at 571-273-8300.

Respectfully submitted,



Dated: FEB. 2, 2006

Bryan H. Opalko
Registration No. 40,751
BUCHANAN INGERSOLL PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219
ph: (412) 562-1893
fx: (412) 562-1041
e-mail: opalkobh@bipc.com

Attorney for Applicant(s)

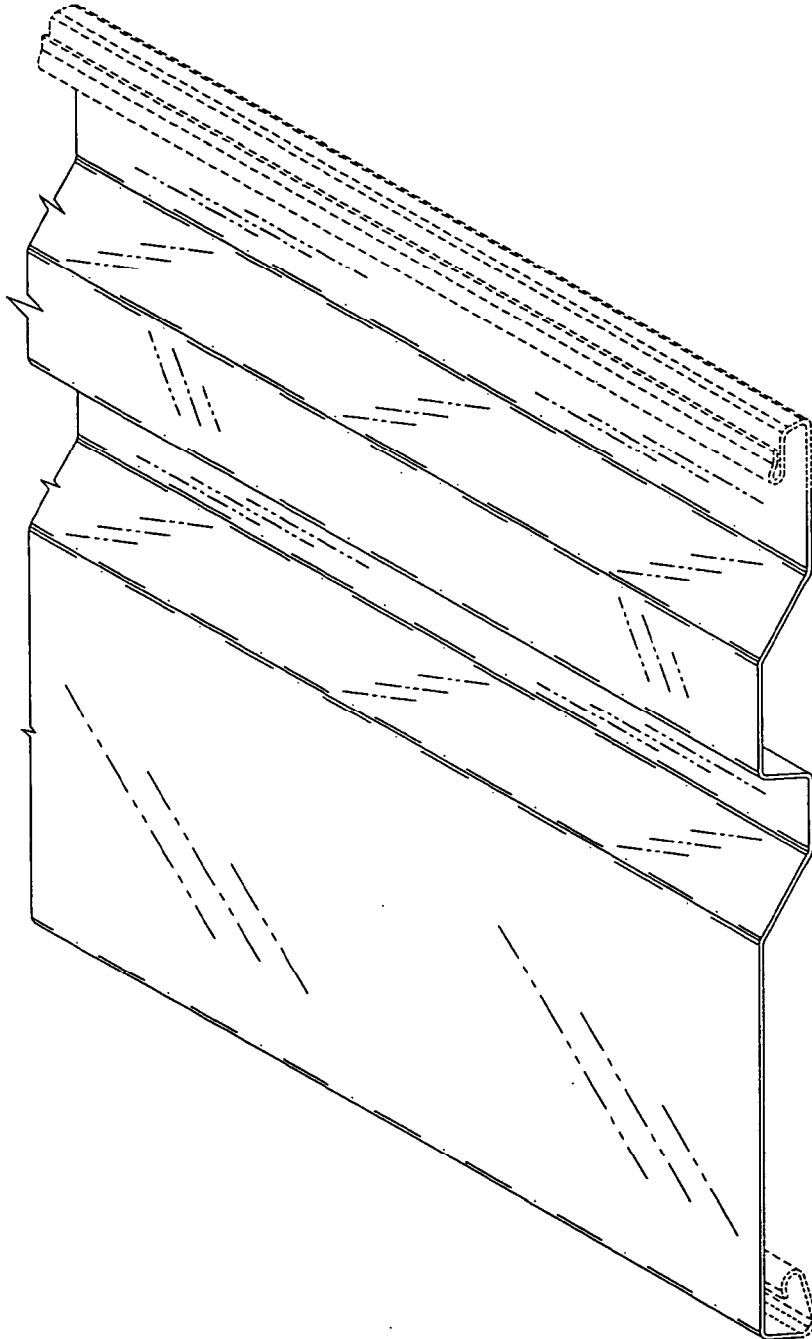


FIG. 1

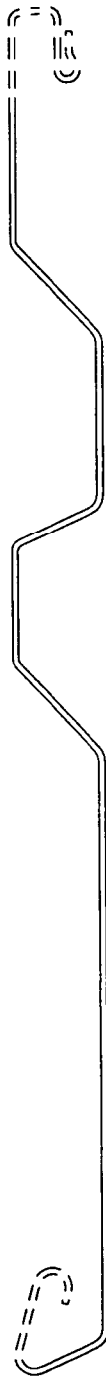


FIG. 2

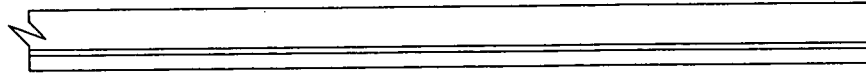


FIG. 5

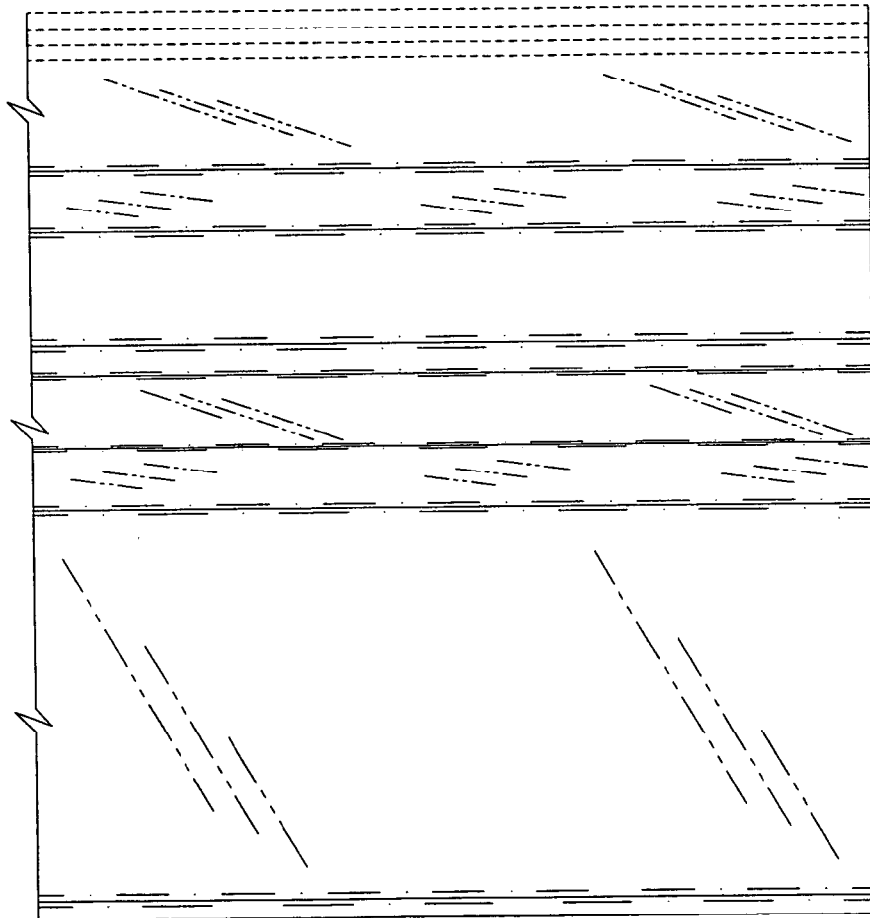


FIG. 3

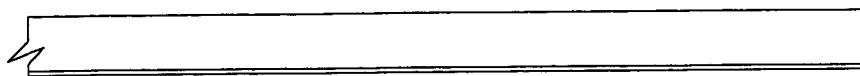


FIG. 4

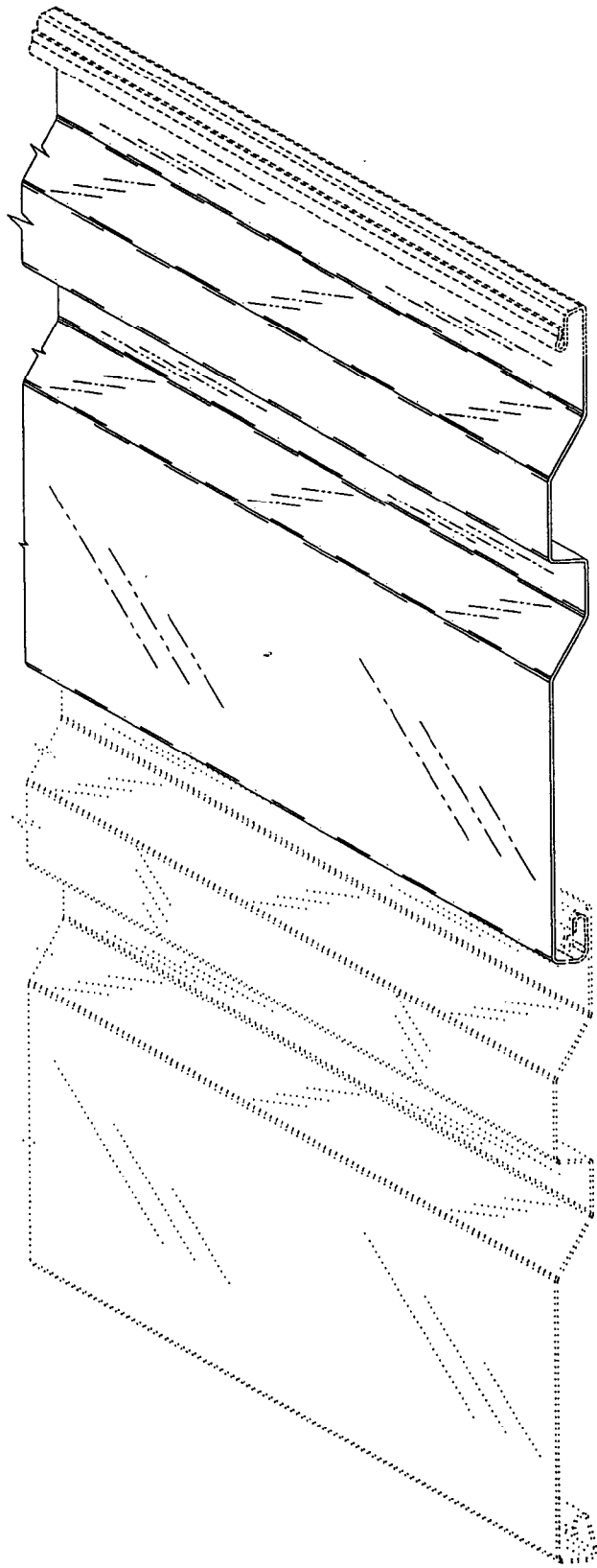


FIG. 6

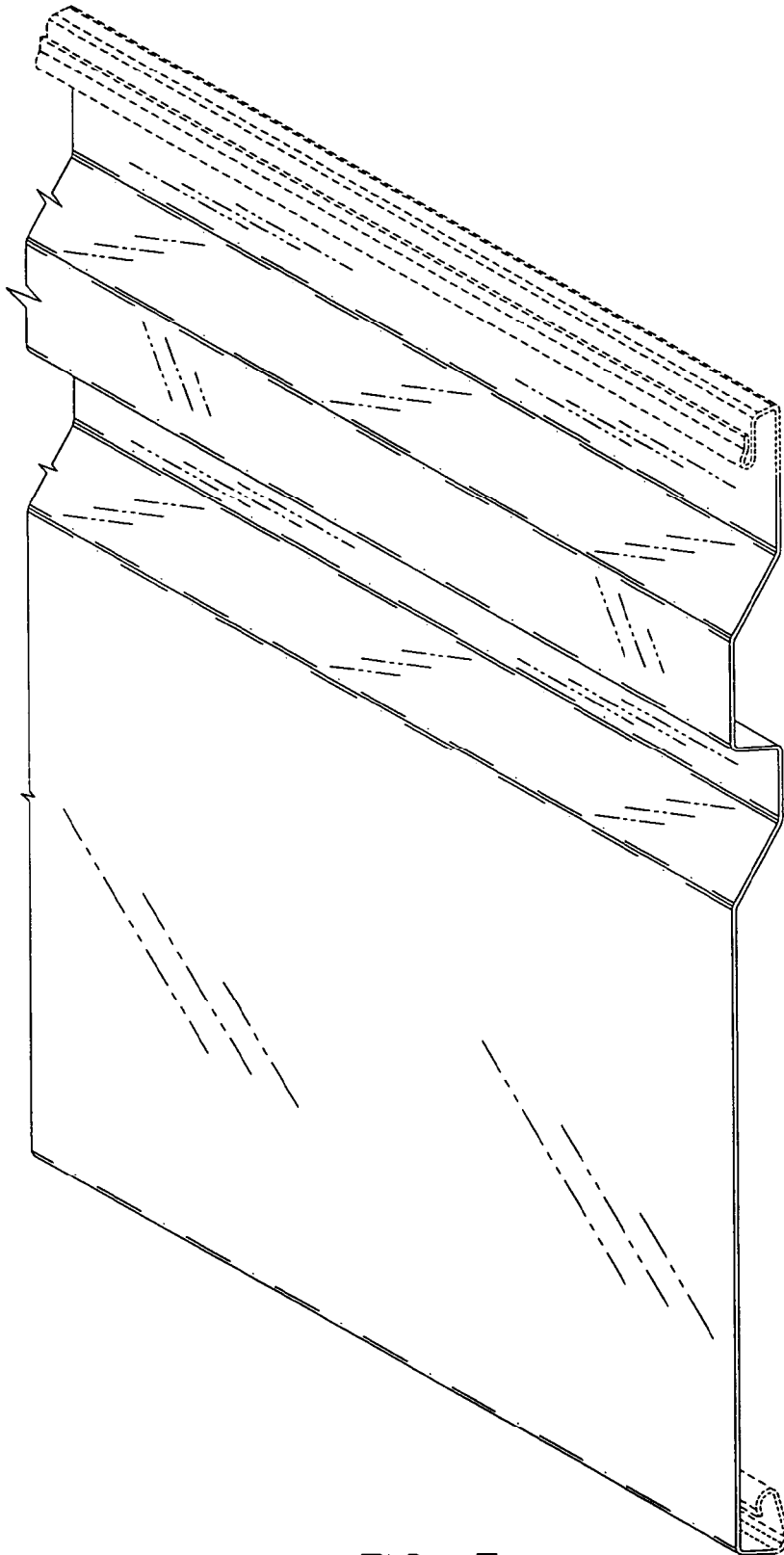


FIG. 7



FIG. 8

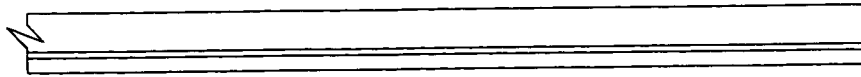


FIG. 11

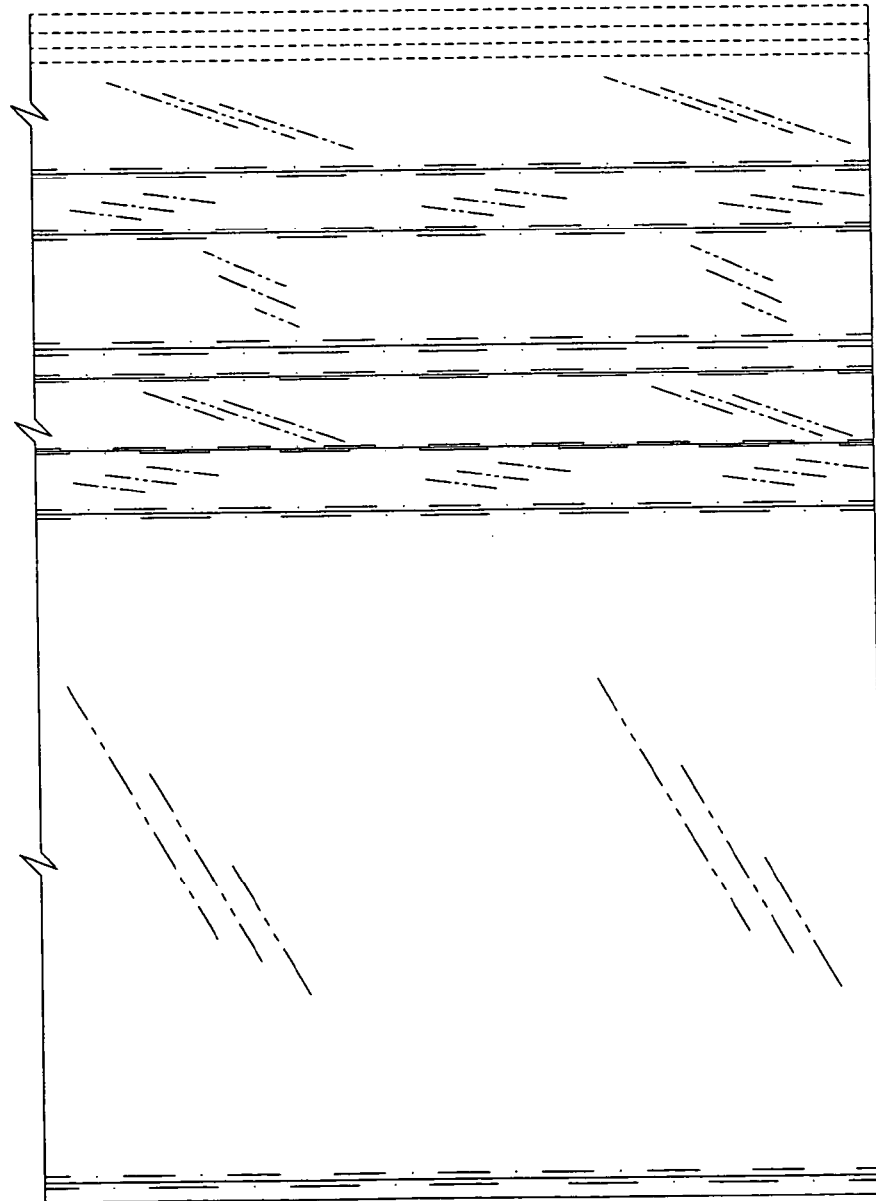


FIG. 9

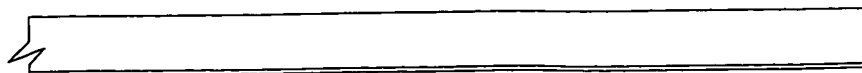


FIG. 10

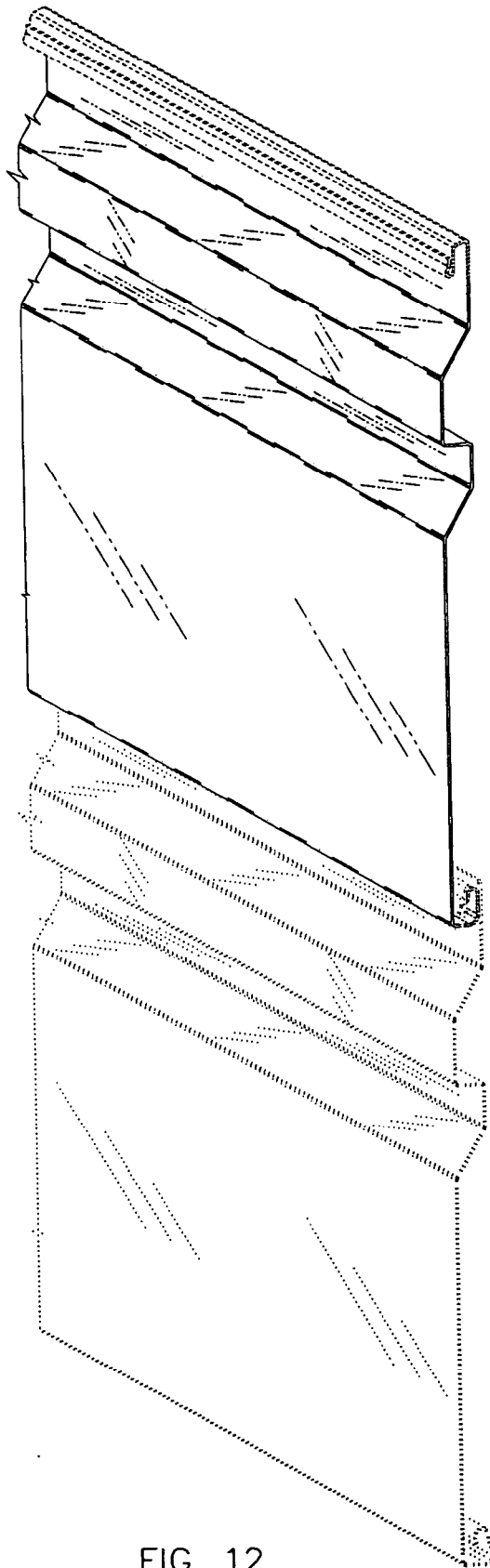


FIG. 12

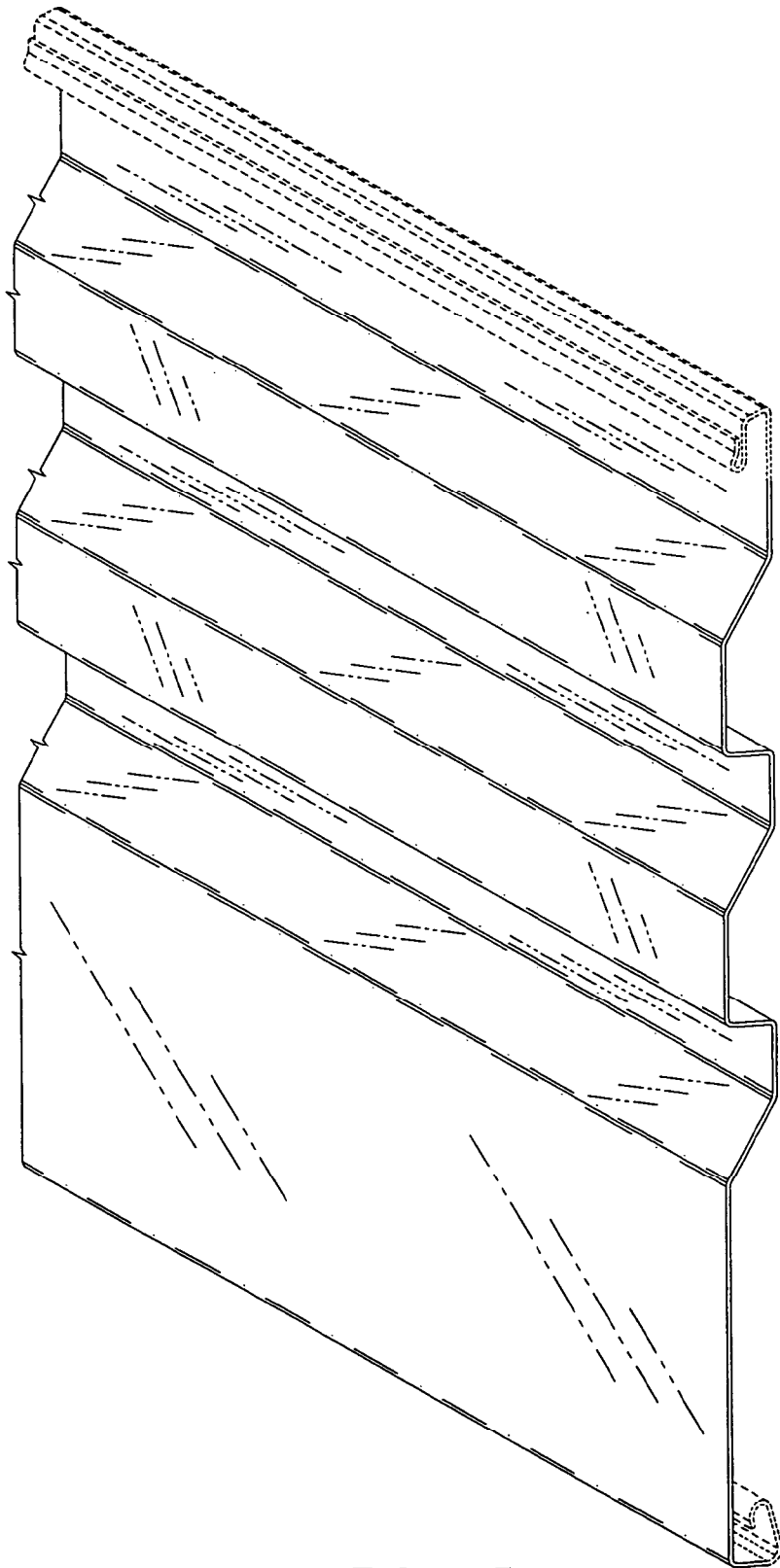


FIG. 13

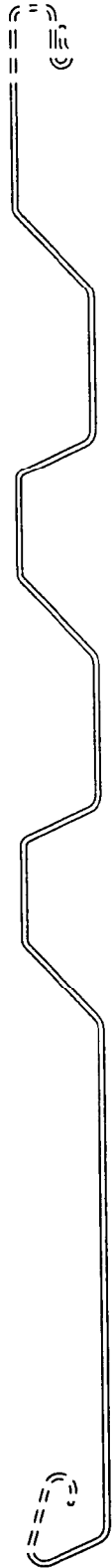


FIG. 14

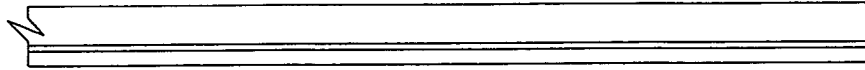


FIG. 17

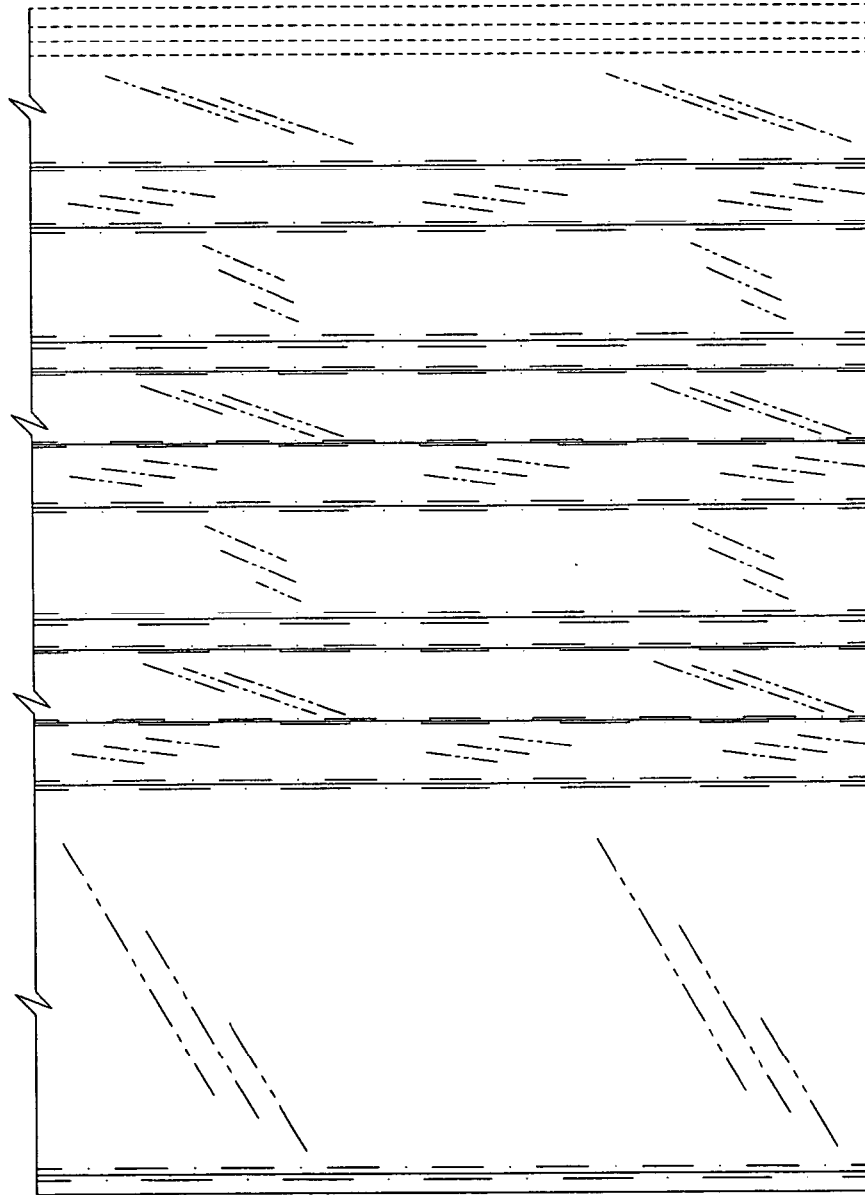


FIG. 15

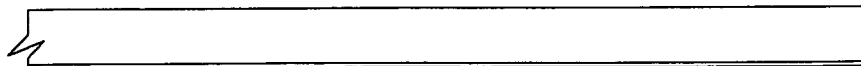


FIG. 16

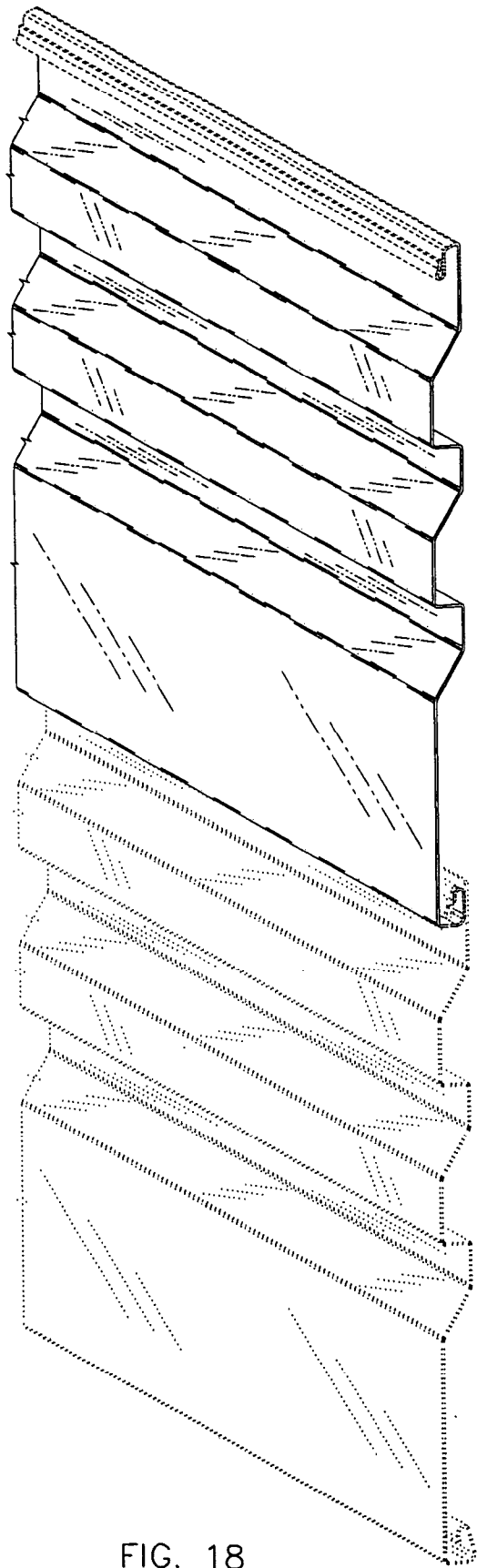


FIG. 18

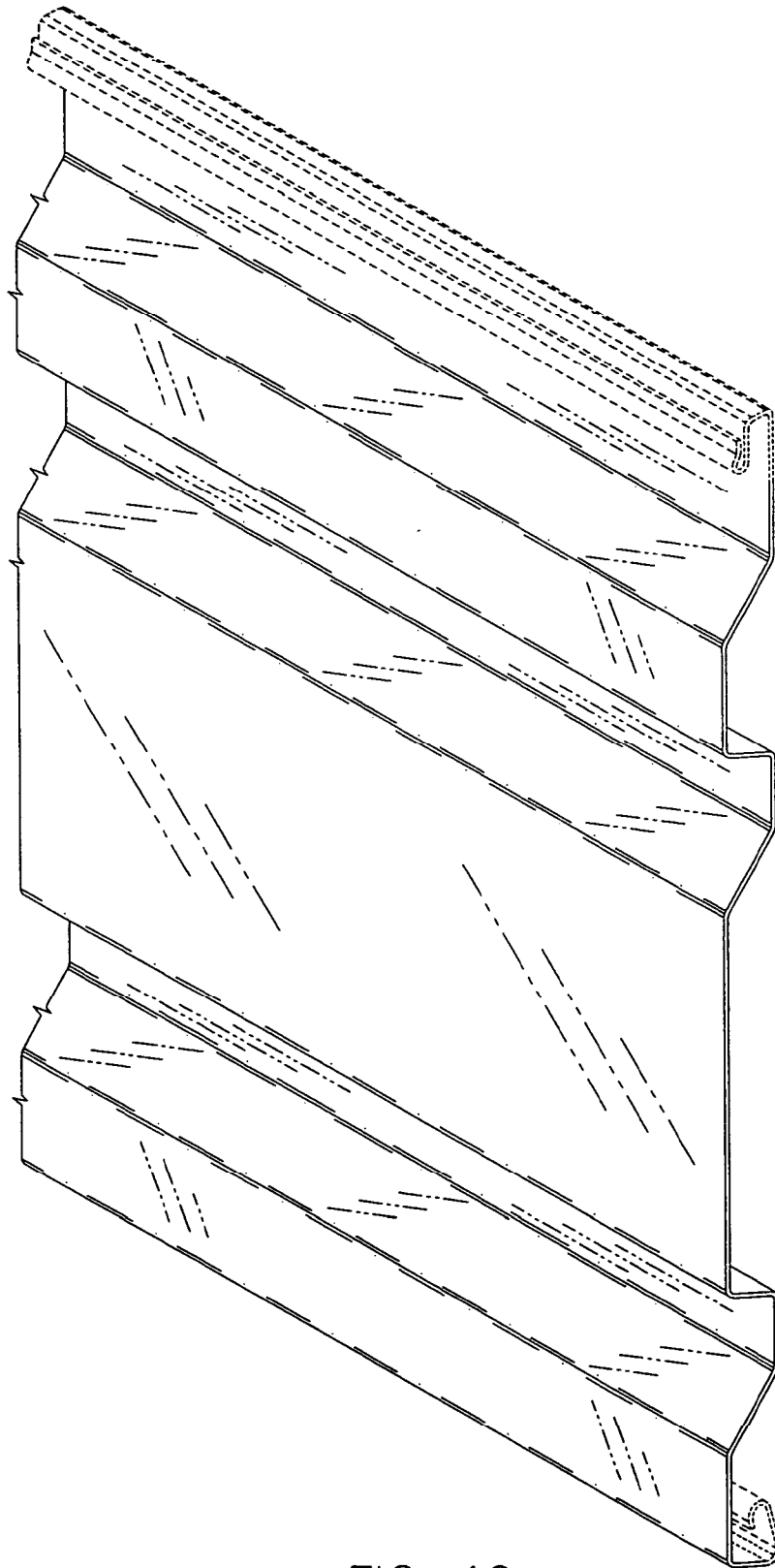


FIG. 19

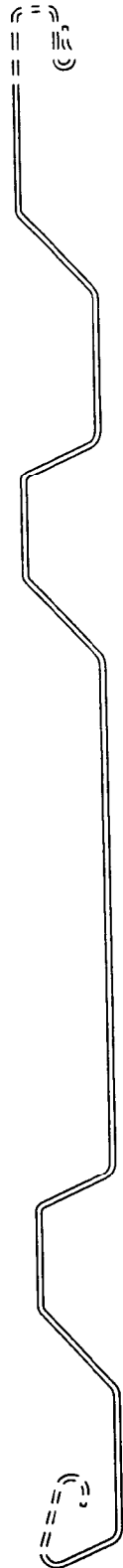


FIG. 20

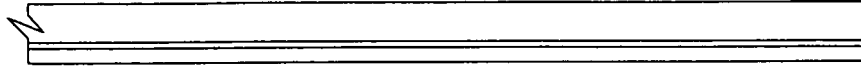


FIG. 23

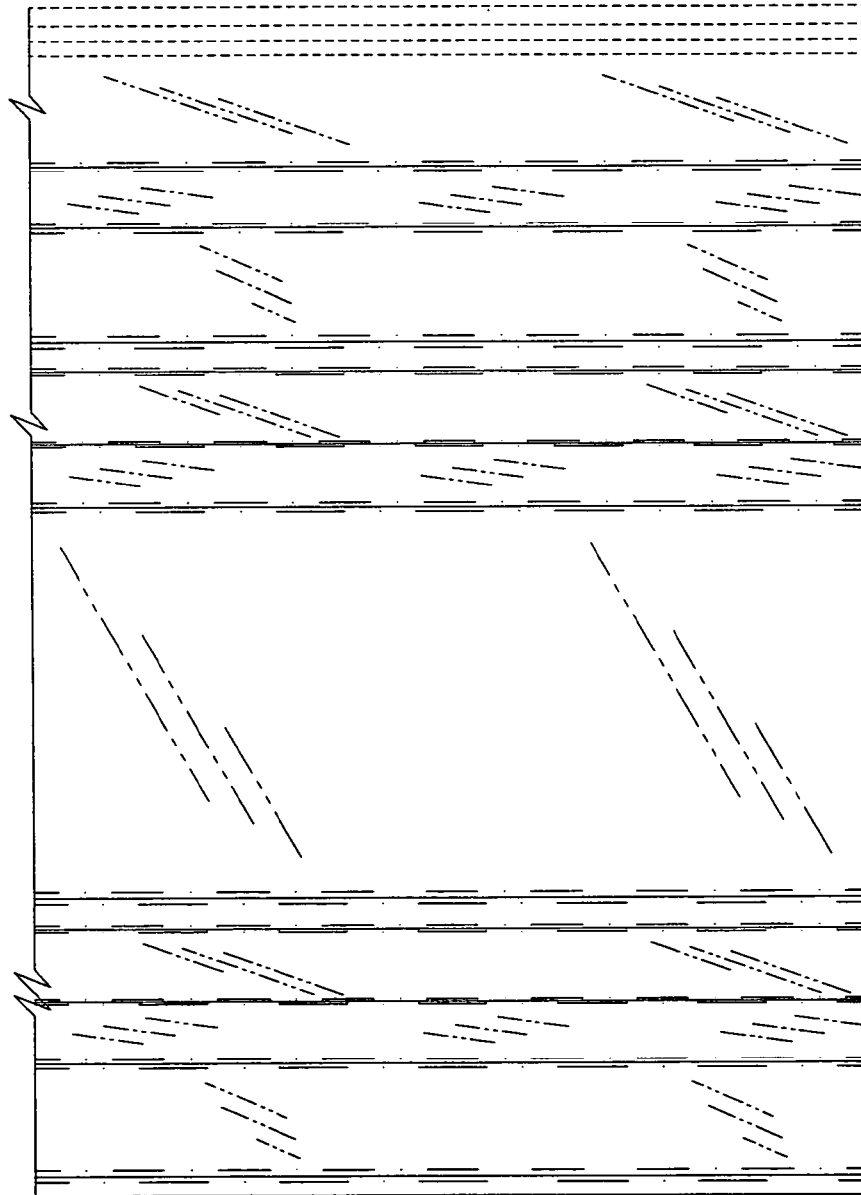


FIG. 21

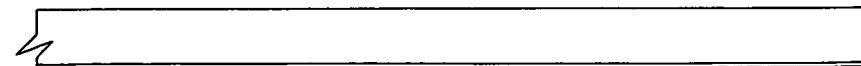


FIG. 22

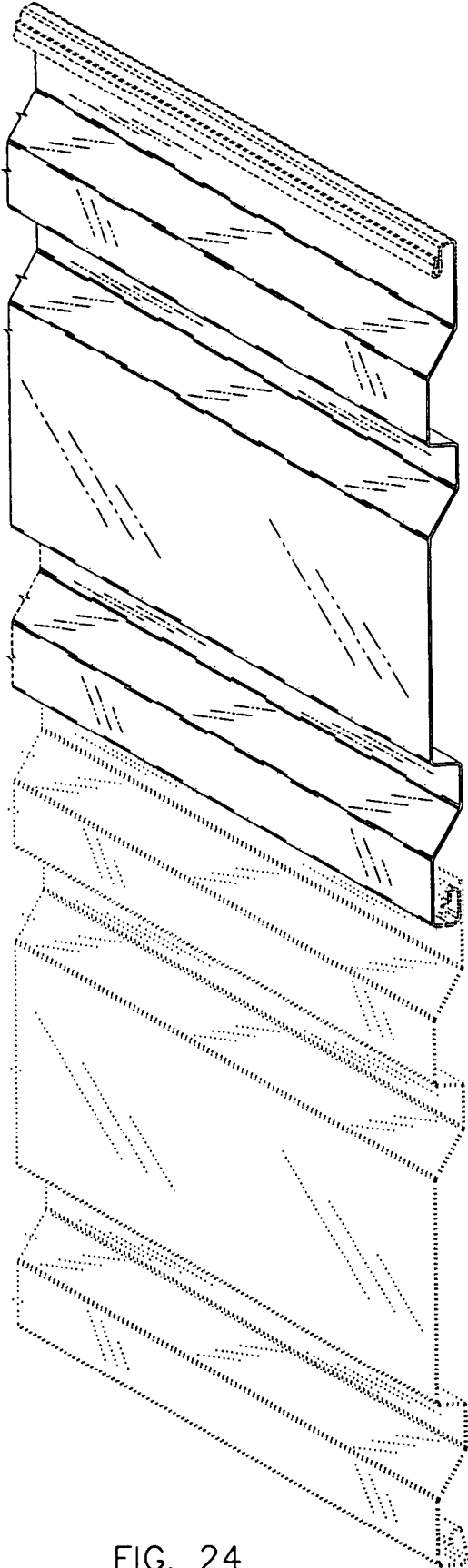


FIG. 24

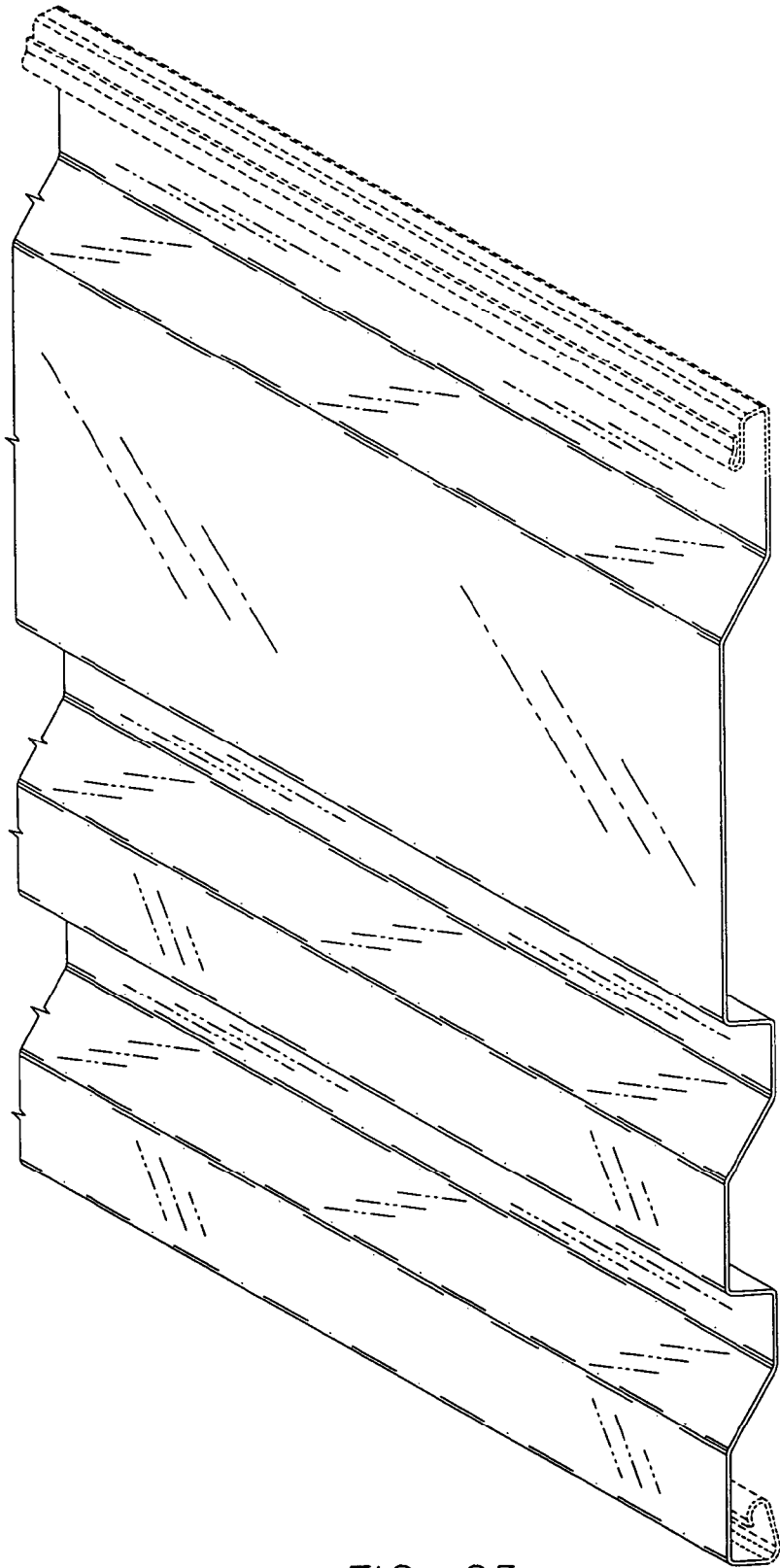


FIG. 25

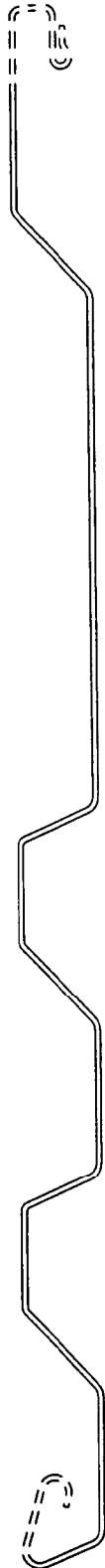


FIG. 26

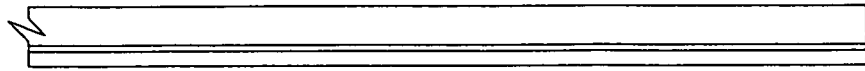


FIG. 29

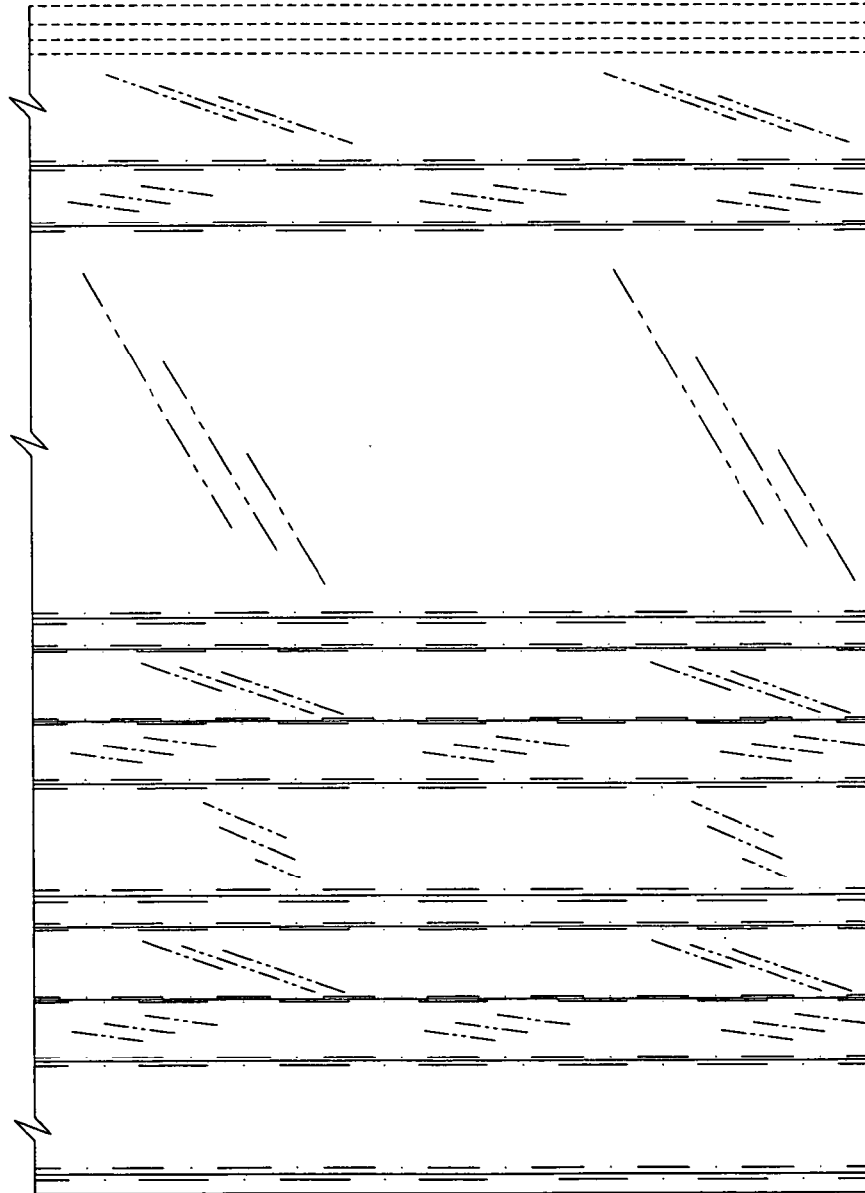


FIG. 27



FIG. 28

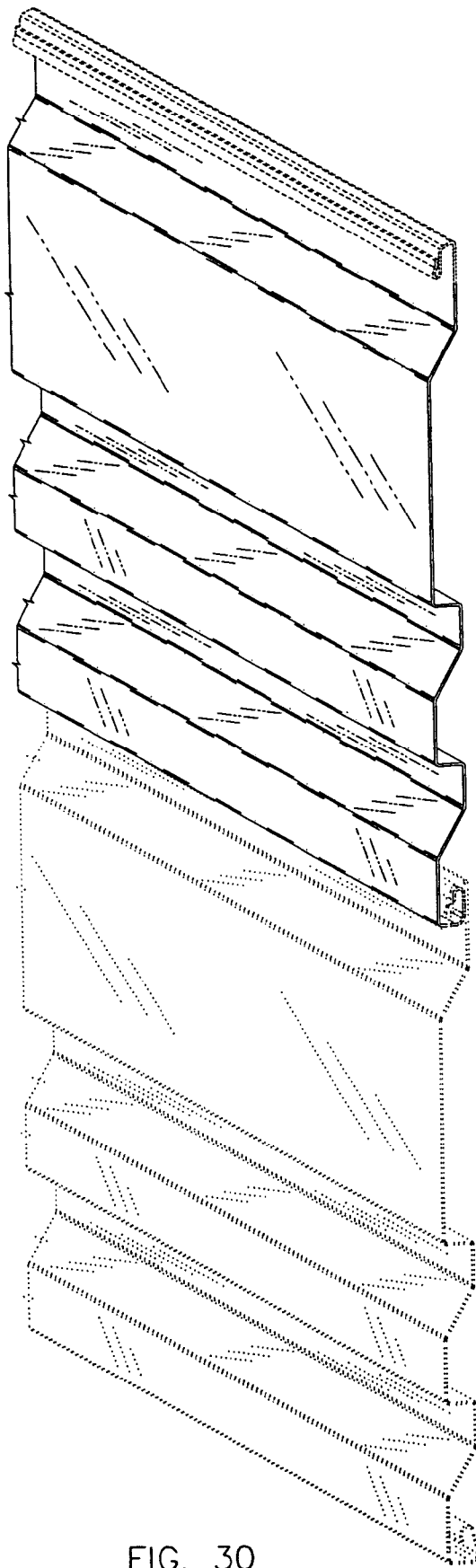


FIG. 30

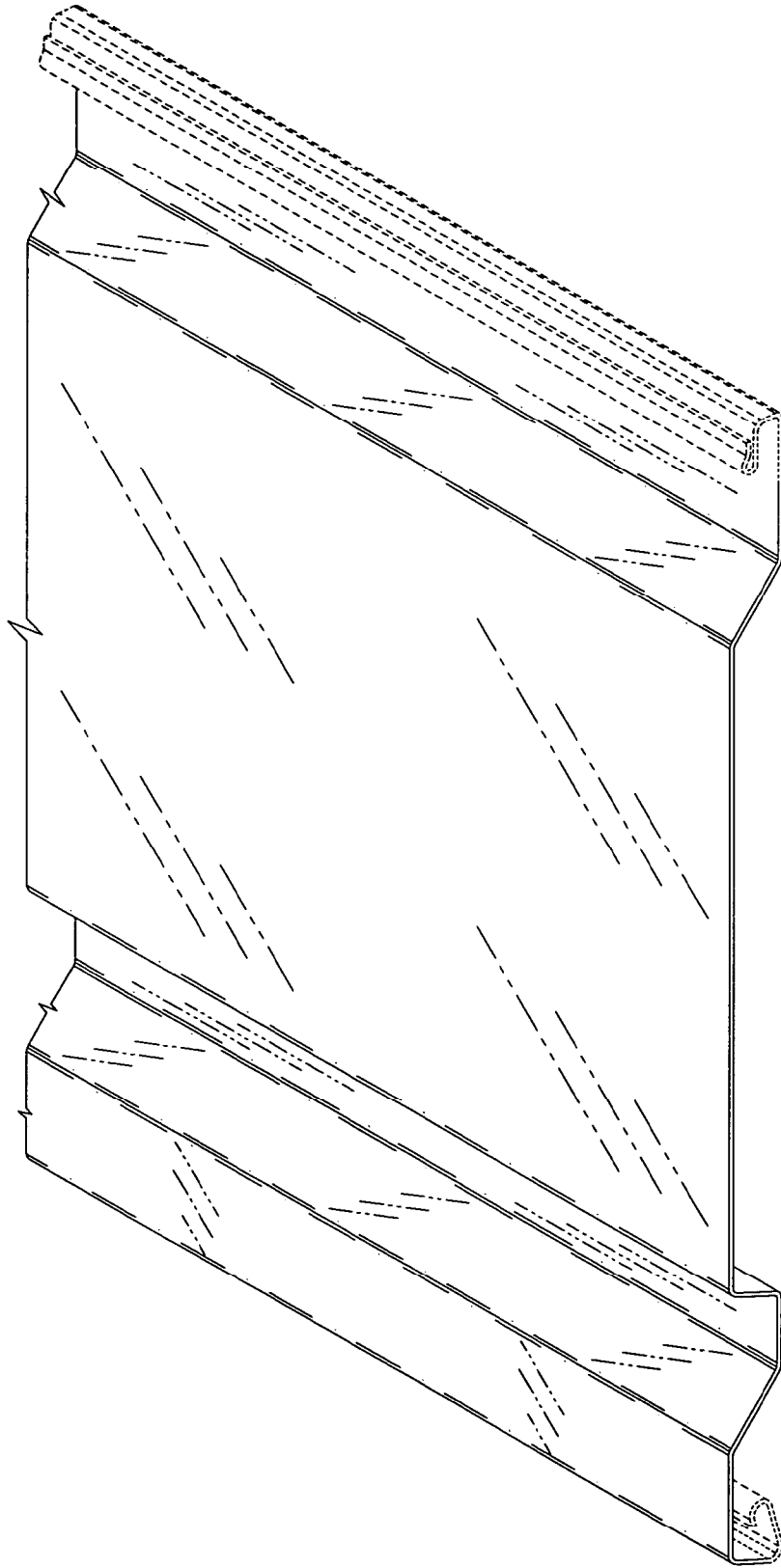


FIG. 31



FIG. 32

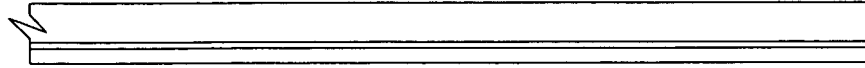


FIG. 35

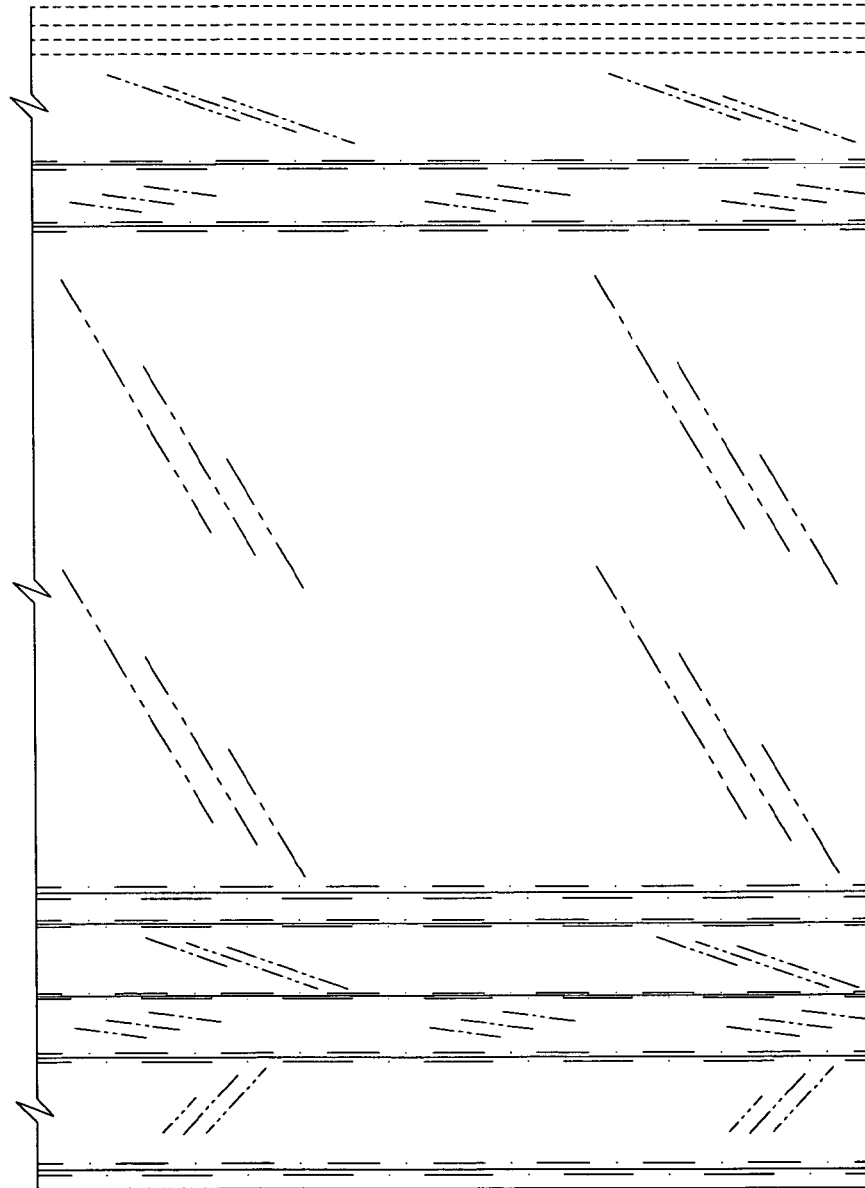


FIG. 33

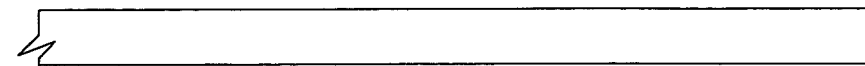


FIG. 34

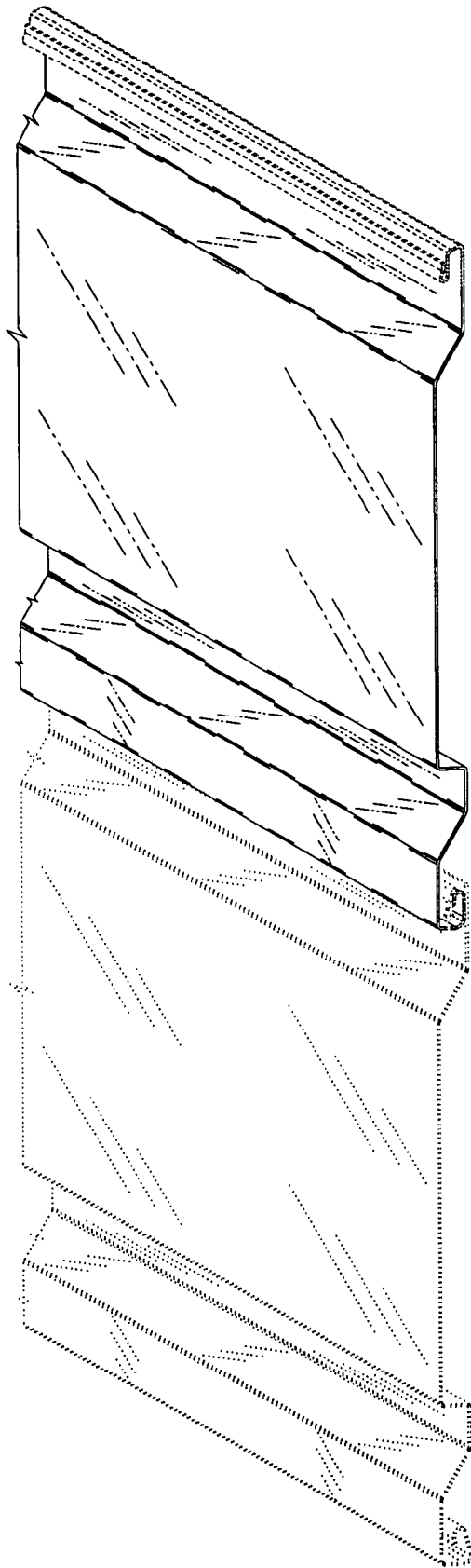


FIG. 36

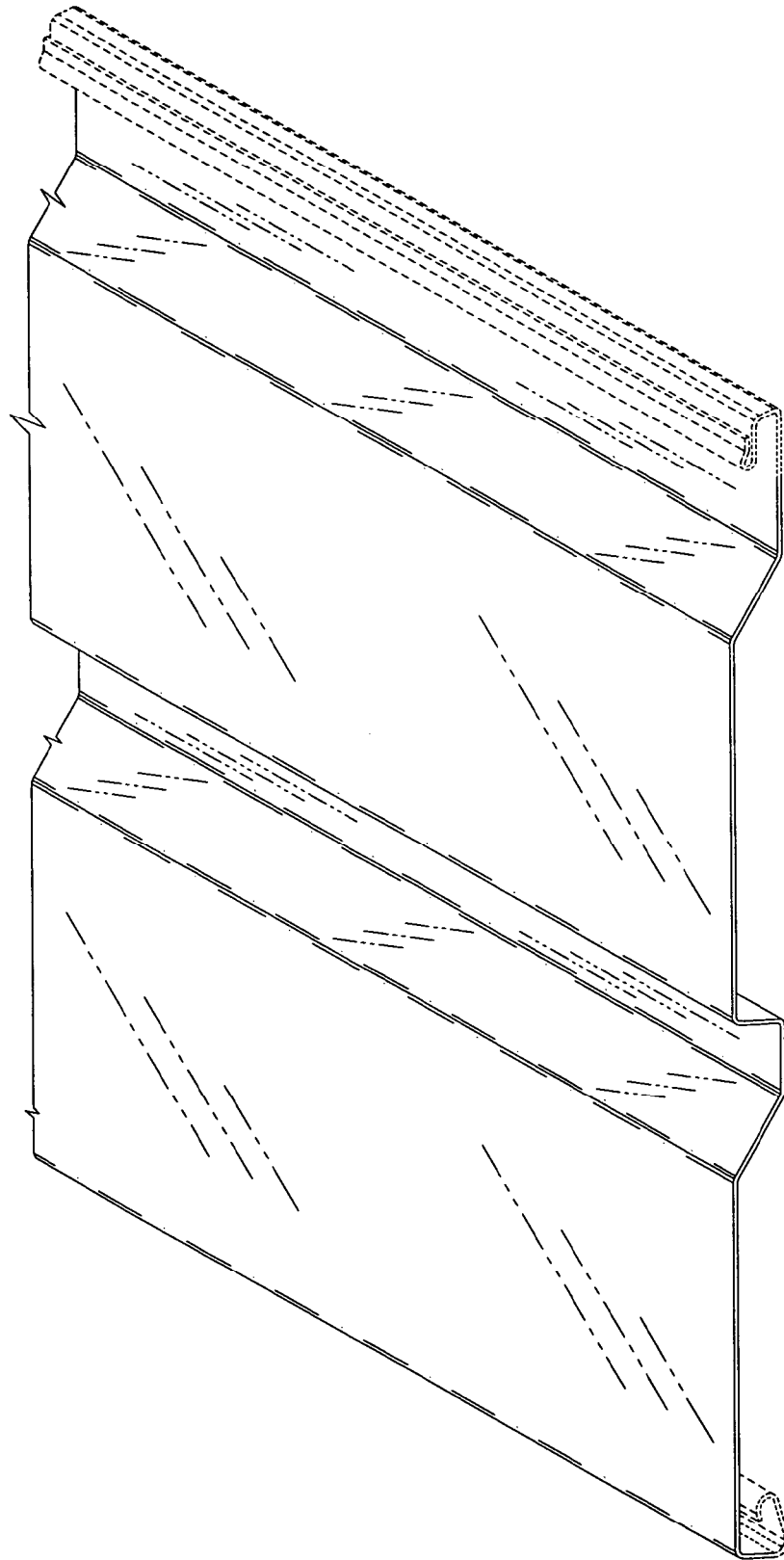


FIG. 37

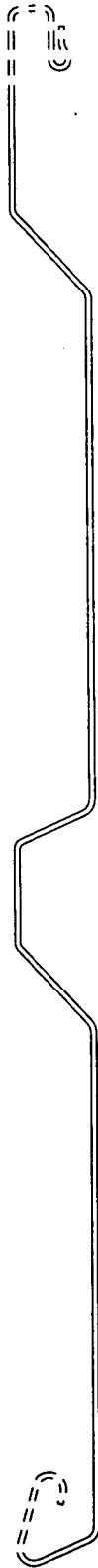


FIG. 38

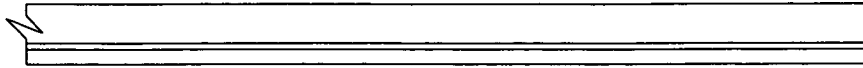


FIG. 41

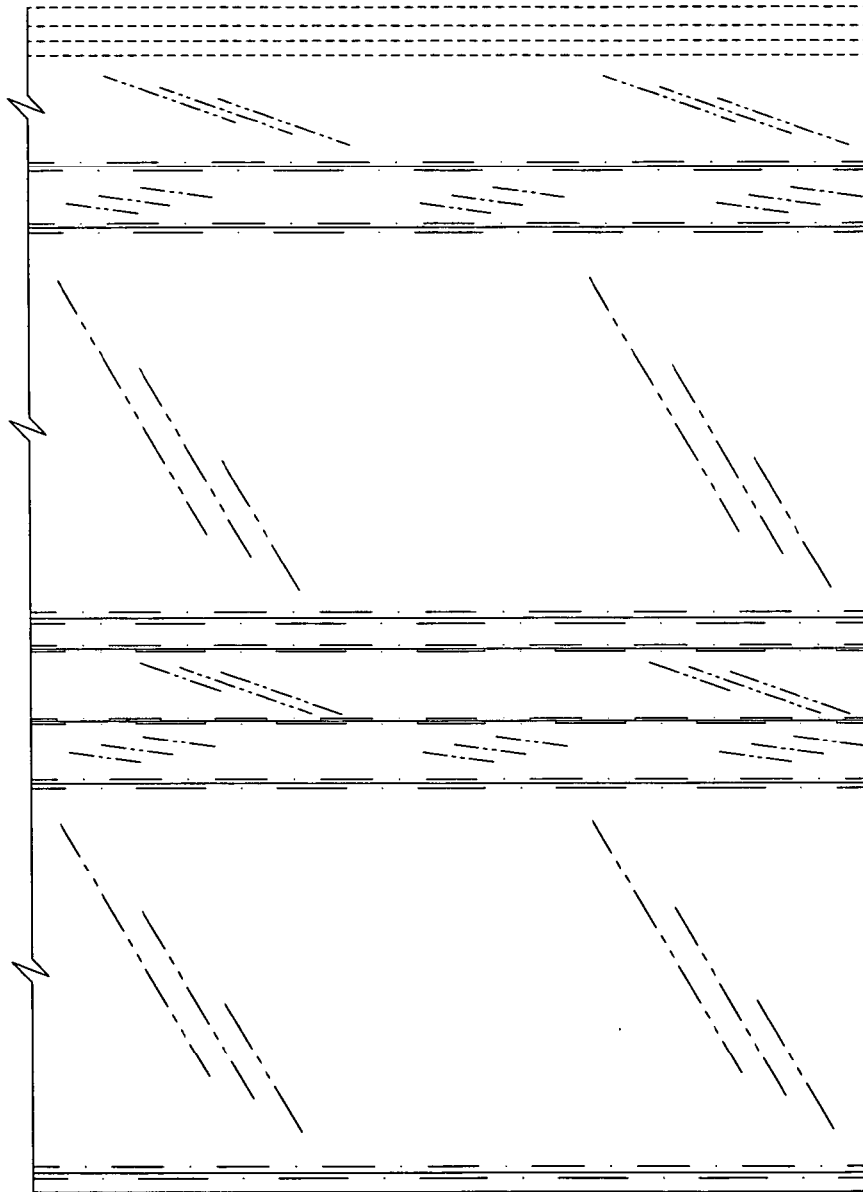


FIG. 39

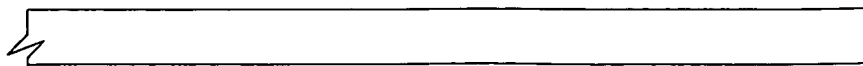


FIG. 40

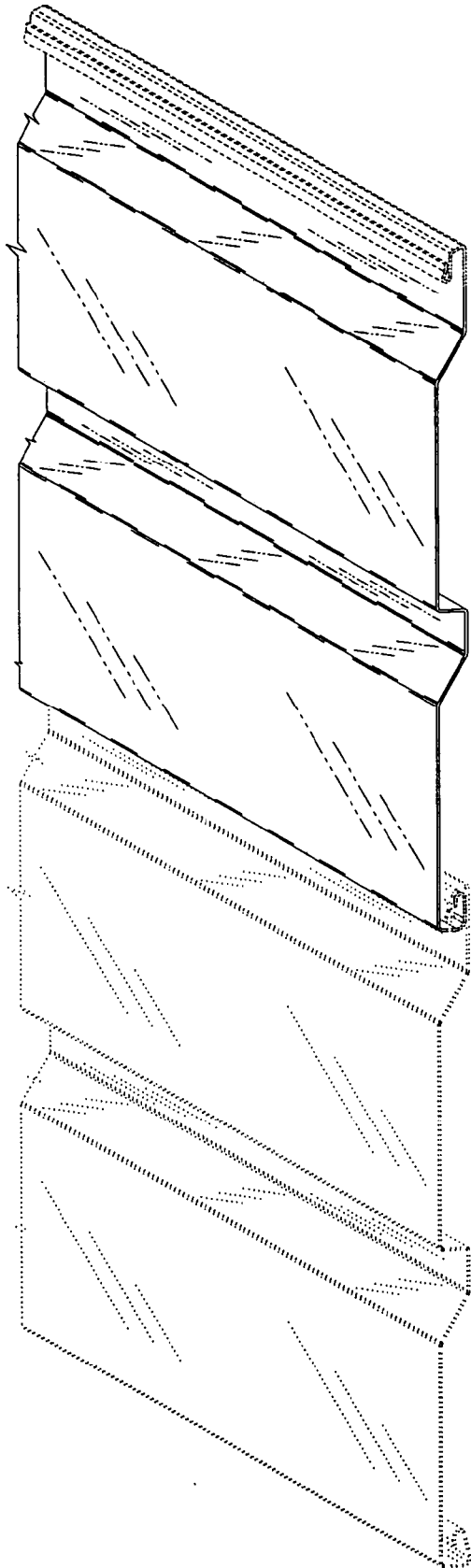


FIG. 42

02/03/06

Atty. Ref. No. 040040

EXPRESS MAIL MAILING LABEL
Number: EV 418518600 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the following:

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



2/2/06
Date

Jacqueline Thoma
Buchanan Ingersoll PC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	PATENT APPLICATION
	:	
Thimons et al.	:	BUILDING PANEL
	:	
Serial No.: 29/203,806	:	
	:	Group Art Unit: 2914
	:	
Filed: April 20, 2004	:	Examiner: Doris Clark

INFORMATION DISCLOSURE STATEMENT

02/06/2006 CNGUYEN2 00000043 29203806

01 FC:1806

180.00 OP

Pittsburgh, Pennsylvania 15219

February 2, 2006

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98.

Pursuant to 37 C.F.R. § 1.98, a copy of the document cited is enclosed. The document is undated, but is admitted as prior art by Applicants.

The document is being submitted after a Notice of Allowance, therefore, under 37 C.F.R. § 1.97(d), a statement pursuant to § 1.97(e)(2) is provided.

The undersigned hereby states that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Additionally required is the fee under 37 C.F.R. § 1.17(p). Enclosed is a check for \$180.00 to cover the required fee.

To assist the Examiner, the submitted document is listed on the attached form PTO/SB/08B. It is respectfully requested that an Examiner-initialed copy of this form be returned to the undersigned. A copy of this submission is also being faxed to the Examiner at 571-273-8300.

Dated: FEB. 2, 2006

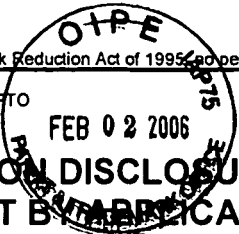
Respectfully submitted,



Bryan H. Opalko
Registration No. 40,751
BUCHANAN INGERSOLL PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219
ph: (412) 562-1893
fx: (412) 562-1041
e-mail: opalkobh@bipc.com

Attorney for Applicant(s)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	29/203,806
Filing Date	April 20, 2004
First Named Inventor	Mark A. Thimons
Art Unit	2914
Examiner Name	Doris Clark
Attorney Docket Number	040040

Sheet 1 of 1

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Applicant Admitted Prior Art (one page)	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
 1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ARTIFACT SHEET

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc..
Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB

29 / 202 / 806 ZB

Indicate quantity of a single type of artifact received but not scanned. Create individual artifact folder/box and artifact number for each Artifact Type.

CD(s) containing:

computer program listing

Doc Code: Computer

pages of specification

and/or sequence listing

and/or table

Doc Code: Artifact

content unspecified or combined

Doc Code: Artifact

Artifact Type Code: P

Artifact Type Code: S

Artifact Type Code: U

Stapled Set(s) Color Documents or B/W Photographs

Doc Code: Artifact Artifact Type Code: C

Microfilm(s)

Doc Code: Artifact Artifact Type Code: F

Video tape(s)

Doc Code: Artifact Artifact Type Code: V

Model(s)

Doc Code: Artifact Artifact Type Code: M

Bound Document(s)

Doc Code: Artifact Artifact Type Code: B

Confidential Information Disclosure Statement or Other Documents marked Proprietary, Trade Secrets, Subject to Protective Order, Material Submitted under MPEP 724.02, etc.

Doc Code: Artifact Artifact Type Code X

Other, description:

Doc Code: Artifact Artifact Type Code: Z

ARTIFACT SHEET

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc..
 Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB

29 / 203 06 CA

Indicate quantity of a single type of artifact received but not scanned. Create individual artifact folder/box and artifact number for each Artifact Type.

- | | | |
|--------------------------|---------------------------------|--------------------------|
| <input type="checkbox"/> | CD(s) containing: | |
| | computer program listing | <input type="checkbox"/> |
| | Doc Code: Computer | Artifact Type Code: P |
| | pages of specification | |
| | and/or sequence listing | <input type="checkbox"/> |
| | and/or table | |
| | Doc Code: Artifact | Artifact Type Code: S |
| | content unspecified or combined | <input type="checkbox"/> |
| | Doc Code: Artifact | Artifact Type Code: U |

Stapled Set(s) Color Documents or B/W Photographs
 Doc Code: Artifact Artifact Type Code: C

Microfilm(s)
 Doc Code: Artifact Artifact Type Code: F

Video tape(s)
 Doc Code: Artifact Artifact Type Code: V

Model(s)
 Doc Code: Artifact Artifact Type Code: M

Bound Document(s)
 Doc Code: Artifact Artifact Type Code: B

Confidential Information Disclosure Statement or Other Documents marked Proprietary, Trade Secrets, Subject to Protective Order, Material Submitted under MPEP 724.02, etc.
 Doc Code: Artifact Artifact Type Code X

Other, description: _____
 Doc Code: Artifact Artifact Type Code: Z



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

23464 7590 11/29/2005
BUCHANAN INGERSOLL, P.C.
ONE OXFORD CENTRE, 301 GRANT STREET
20TH FLOOR
PITTSBURGH, PA 15219

EXAMINER

CLARK, DORIS

ART UNIT PAPER NUMBER

2914

DATE MAILED: 11/29/2005

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Values: 29/203,806, 04/20/2004, Mark A. Thimons, 040040, 4935

TITLE OF INVENTION: BUILDING PANEL

Table with 6 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE, PUBLICATION FEE, TOTAL FEE(S) DUE, DATE DUE. Values: nonprovisional, YES, \$400, \$0, \$400, 02/28/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
 or **Fax** **(571) 273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23464 7590 11/29/2005
BUCHANAN INGERSOLL, P.C.
ONE OXFORD CENTRE, 301 GRANT STREET
20TH FLOOR
PITTSBURGH, PA 15219

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/203,806	04/20/2004	Mark A. Thimons	040040	4935

TITLE OF INVENTION: BUILDING PANEL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$400	\$0	\$400	02/28/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
CLARK, DORIS	2914	D25-119000

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1</p> <p>(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. _____ 2</p> <p>_____ 3</p>
--	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE _____ (B) RESIDENCE: (CITY and STATE OR COUNTRY) _____

Please check the appropriate assignee category or categories (will not be printed on the patent) : Individual Corporation or other private group entity Government

<p>4a. The following fee(s) are enclosed:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s):</p> <p><input type="checkbox"/> A check in the amount of the fee(s) is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
--	---

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
29/203,806 04/20/2004 Mark A. Thimons 040040 4935

23464 7590 11/29/2005
BUCHANAN INGERSOLL, P.C.
ONE OXFORD CENTRE, 301 GRANT STREET
20TH FLOOR
PITTSBURGH, PA 15219

EXAMINER

CLARK, DORIS

ART UNIT PAPER NUMBER

2914

DATE MAILED: 11/29/2005

Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

Design patents have a term measured from the issue date of the patent and the term remains the same length regardless of the time that the application for the design patent was pending. Since the above-identified application is an application for a design patent, the patent is not eligible for Patent Term Extension or Adjustment under 35 U.S.C. 154(b).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability	Application No.	Applicant(s)	
	29/203,806	THIMONS ET AL.	
	Examiner	Art Unit	
	Doris Clark	2914	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to _____.
2. The allowed claim(s) is/are THE SINGLE CLAIM.
3. 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 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)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 8/20/04 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|--|

Authorization for this examiner's amendment was given in a telephone interview with Bryan H. Opalko on November 28, 2005.

In the above telephone communication, the applicants and examiner agreed to combine Groups I and II consisting of figures 1-36 and 43 through 54, since applicants only intended to illustrate how the additional panel in each embodiment in Group II would be attached to the claimed panel. Applicants have agreed to place the additional attached panel in broken lines in the appropriate figures.

Upon filing a continuing application applicants and the examiner agreed that Groups II and IV would also be combined for the same reasoning as Groups I and II.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In view of the above telephone communication, Groups III and IV consisting of figures 37 through 42 have been cancelled from the figure descriptions and the drawing disclosure.

In light of the above cancellation, figure designations "43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54" have been replaced with new figure designations 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, respectively.

Since figures 37 through 42 have been cancelled from the application, the description of the new designation figure 37 has been amended as follows.

The language "an eighth" has been replaced with the language a seventh.

In the description of the new designation figure 43, the language "a ninth" has been replaced with the language an eighth.

The paragraph preceding the claim is unnecessary therein and has been replaced with the following statement designating the broken lines.

The broken lines are for illustrative purposes only and form no part of the claimed design. The claimed design is broken on one side to indicate indefinite length.

For correct form of the claim the number, "1." has been removed therefrom.

An objection is made to figure designations "43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54" in the drawing disclosure because figures 37 through 42 have been cancelled from the

Art Unit: 2914

application. Because of the aforementioned cancellation, applicants are required to renumber figure designations "43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54" with new figure designations 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, respectively. Correction is required.

An objection is made to figures 7, 12, 18, 24, 30, 36, and the new figure designations 42 and 48, because these views illustrate an additional building panel in full lines. In the telephone communication on November 28, 2005 applicants agreed to place one of the panels in views 7, 12, 18, 24, 30, 36, 42, and 48 in broken lines, since the second panel is not considered part of the claimed design. Therefore, applicants are required to place one of the panels in views 7, 12, 18, 24, 30, 36, 42, and 48 in broken lines. Correction is required.

When preparing new drawings in compliance with the requirement therefor, care must be exercised to avoid introduction of anything which could be construed to be new matter prohibited by 35 U.S.C. 132 and 37 CFR 1.121.

The claimed design is allowed over the art of record. The art of record is cited as cumulative art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doris Clark whose telephone number is 571 272 2649. The examiner can normally be reached on Monday through Friday from 8 to 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Louis Zarfes, can be reached on Monday through Friday at 571 272 2660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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).



DORIS CLARK
PRIMARY EXAMINER
GROUP 2900
Page 104 of 173

Notice of References Cited	Application/Control No. 29/203,806	Applicant(s)/Patent Under Reexamination THIMONS ET AL.	
	Examiner Doris Clark	Art Unit 2914	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-D449,120 S	10-2001	Kulik, Magnus	D25/138
*	B	US-5,775,042	07-1998	Mowery et al.	52/520
*	C	US-5,524,409	06-1996	Kaiser, Heinz W.	52/588.1
*	D	US-D259,143 S	05-1981	Akkinson, Nigel G.	D25/119
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

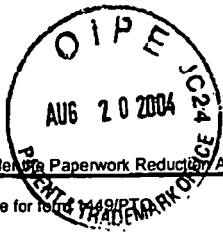
FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
		Application Number	29/203,806
		Filing Date	April 20, 2004
		First Named Inventor	Mark A. Thimons
		Art Unit	2914
		Examiner Name	
Sheet 1 of 1	Attorney Docket Number	040040	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		"Commercial & Industrial Metal Wall Systems" Robertson Product Brochure, p. 9 (1994)	

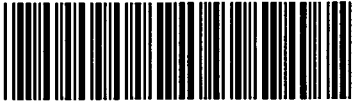
Examiner Signature		Date Considered	11/28/05
--------------------	--	-----------------	----------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

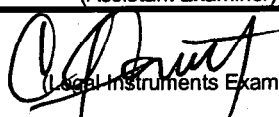



¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Issue Classification 	Application/Control No. 29/203,806	Applicant(s)/Patent under Reexamination THIMONS ET AL.	
	Examiner Doris Clark	Art Unit 2914	

ISSUE CLASSIFICATION									
ORIGINAL				CROSS REFERENCE(S)					
CLASS	SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
d25	119								
INTERNATIONAL CLASSIFICATION									
	25/01								
	/								
	/								
	/								
	/								

(Assistant Examiner) (Date) 	 DORIS CLARK PRIMARY EXAMINER GROUP 2 (Primary Examiner)	Total Claims Allowed: 1 O.G. Print Claim(s) 1	O.G. Print Fig. 1
 (Legal Instruments Examiner) (Date)	 (Date)		

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant												<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original				
	1		31		61		91		121		151		181				
	2		32		62		92		122		152		182				
	3		33		63		93		123		153		183				
	4		34		64		94		124		154		184				
	5		35		65		95		125		155		185				
	6		36		66		96		126		156		186				
	7		37		67		97		127		157		187				
	8		38		68		98		128		158		188				
	9		39		69		99		129		159		189				
	10		40		70		100		130		160		190				
	11		41		71		101		131		161		191				
	12		42		72		102		132		162		192				
	13		43		73		103		133		163		193				
	14		44		74		104		134		164		194				
	15		45		75		105		135		165		195				
	16		46		76		106		136		166		196				
	17		47		77		107		137		167		197				
	18		48		78		108		138		168		198				
	19		49		79		109		139		169		199				
	20		50		80		110		140		170		200				
	21		51		81		111		141		171		201				
	22		52		82		112		142		172		202				
	23		53		83		113		143		173		203				
	24		54		84		114		144		174		204				
	25		55		85		115		145		175		205				
	26		56		86		116		146		176		206				
	27		57		87		117		147		177		207				
	28		58		88		118		148		178		208				
	29		59		89		119		149		179		209				
	30		60		90		120		150		180		210				

Search Notes



Application/Control No.

29/203,806

Examiner

Doris Clark

Applicant(s)/Patent under Reexamination

THIMONS ET AL.

Art Unit

2914

SEARCHED

Class	Subclass	Date	Examiner
d25	119 138	11/28/2005	DC
52	519 520		
	537 478		
	311.2		
	588.1		

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner
D25	119		

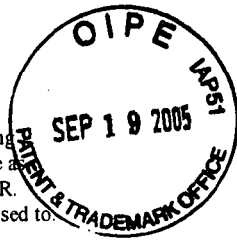
**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
name search	11/28/2005	DC
pgpubs search		

IFW

Atty. Ref. No. 040040

FIRST CLASS MAIL MAILING LABEL



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, under 37 C.F.R. § 1.8 on the date indicated below and is addressed to:

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

9/15/05
Date
Jacqueline Guena
Buchanan Ingersoll PC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	PATENT APPLICATION
	:	
Thimons et al.	:	BUILDING PANEL
	:	
Serial No.: 29/203,806	:	
	:	Group Art Unit: 2914
	:	
Filed: April 20, 2004	:	Examiner: Doris Clark

RESPONSE TO RESTRICTION REQUIREMENT

Pittsburgh, Pennsylvania 15219
September 15, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This election is in response to the Restriction Requirement mailed on August 25, 2005.

The single claim currently pending in the above-identified application is directed toward a building panel design. The Examiner has required restriction to one of four inventions. The first (Group I) includes embodiments 1, 3, 5, 7, 9, 11, 15 and 17; the second (Group II) includes

embodiments 2, 4, 6, 8, 10, 12, 16 and 18; the third (Group III) includes embodiment 13, and the fourth (Group IV) includes embodiment 14.

Applicants hereby elect that the invention of Group I, namely, embodiments 1, 3, 5, 7, 9, 11, 15 and 17 be examined. However, Applicants make this election with traverse.

Applicants respectfully traverse the Restriction Requirement for at least the following reasons. In each sixth figure of the application, the attachment of two respective building panels is illustrated. The five preceding figures illustrate one of the respective building panels.

Applicants are not claiming the two building panels attached together as one design, but rather have included these figures to illustrate the attachment of two building panels. For example, throughout the application, the attachment mechanism for the building panels has been shown in phantom lines. Each sixth figure has been included to illustrate how the panels are attached.

The Examiner has restricted out each of the figures which show the attachment of two building panels as Group II. Applicants respectfully submit that at least the inventions of Groups I and II should be grouped together, and at least the inventions of Groups III and IV should be grouped together. The figures illustrating two attached building panels would not require an additional search. Each of the attached building panels is illustrated in the five figures preceding the one showing the panels as attached. Therefore, a search covering a single panel would necessarily cover the figure illustrating the two panels attached.

Applicants respectfully request reconsideration of the restriction requirement based on at least the above-identified arguments.

The Examiner is invited to contact the undersigned by phone if she has any questions with respect to Applicants' traversal of the Restriction Requirement and to expedite prosecution of the case.

It is believed that this Response requires no fee. However, if a fee is required for any reason, the Commissioner is hereby authorized to charge Deposit Account No. 02-4553 the necessary amount.

Respectfully submitted,



Dated: Sept. 15, 2005

Bryan H. Opalko
Registration No. 40,751
BUCHANAN INGERSOLL PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219
ph: (412) 562-1893
fx: (412) 562-1041
e-mail: opalkobh@bipc.com

Attorney for Applicant(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

10

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/203,806	04/20/2004	Mark A. Thimons	040040	4935

23464 7590 08/25/2005

BUCHANAN INGERSOLL, P.C.
ONE OXFORD CENTRE, 301 GRANT STREET
20TH FLOOR
PITTSBURGH, PA 15219

EXAMINER

CLARK, DORIS

ART UNIT PAPER NUMBER

2914

DATE MAILED: 08/25/2005

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

Office Action Summary

Application No. 29/203,806	Applicant(s) THIMONS ET AL.	
Examiner Doris Clark	Art Unit 2914	

-- 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 1 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) 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) the single claim 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) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) the single claim 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/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

5.02

Art Unit: 2914

This application discloses the following embodiments:

Embodiment 1 - Figs. 1-5 drawn to a building panel.

Embodiment 2 - Fig. 6 drawn to attached building panels.

Embodiment 3 - Figs. 7-11 drawn to a building panel.

Embodiment 4 - Fig. 12 drawn to attached building panels.

Embodiment 5 - Figs. 13-17 drawn to a building panel.

Embodiment 6 - Fig. 18 drawn to attached building panels.

Embodiment 7 - Figs. 19-23 drawn to a building panel.

Embodiment 8 - Fig. 24 drawn to attached building panels.

Embodiment 9 - Figs. 25-29 drawn to a building panel.

Embodiment 10 - Fig. 30 drawn to attached building panels.

Embodiment 11 - Figs. 31-35 drawn to a building panel.

Embodiment 12 - Fig. 36 drawn to attached building panels.

Embodiment 13 - Figs. 37-41 drawn to a building panel.

Embodiment 14 - Fig. 42 drawn to attached building panels.

Embodiment 15 - Figs. 43-47 drawn to a building panel.

Embodiment 16 - Fig. 48 drawn to attached building panels.

Embodiment 17 - Figs. 49-53 drawn to a building panel.

Embodiment 18 - Fig. 54 drawn to attached building panels.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I - Embodiment 1, 3, 5, 7, 9, 11, 15, and 17.

Group II - Embodiment 2, 4, 6, 8, 10, 12, 16, and 18.

Group III - Embodiment 13

Group IV - Embodiment 14

The designs as grouped are distinct from each other since under the law a design patent covers only the invention disclosed as an entirety, and does not extend to patentably distinct segregable parts; the only way to protect such segregable parts is to apply for separate patents. See *Ex parte Sanford*, 1914 CD 69; 204 OG 1346 (Comm'r Pat. 1914); and *Blumcraft of Pittsburgh v. Ladd*, 238 F. Supp. 648, 144 USPQ 562 (D.D.C. 1965). It is further noted that

Art Unit: 2914

patentably distinct combination/subcombination subject matter must be supported by separate claims, whereas only a single claim is permissible in a design patent application. See *In re Rubinfeld*, 270 F.2d 391, 123 USPQ 210 (CCPA 1959).

Because the designs are distinct for the reason(s) given above, and have acquired separate status in the art, restriction for examination purposes as indicated is proper (35 U.S.C. 121).

A reply to this requirement must include an election of a single group for prosecution on the merits, even if this requirement is traversed. 37 CFR 1.143. Any reply that does not include an election of a single group will be held nonresponsive. Applicant is also requested to direct cancellation of all drawing figures and the corresponding descriptions which are directed to the nonelected groups.

Should applicant traverse this requirement on the grounds that the groups are not patentably distinct, applicant should present evidence or identify such evidence now of record showing the groups to be obvious variations of one another. If the groups are determined not to be patentably distinct and they remain in this application, any rejection of one group over the prior art will apply equally to all other groups. See *Ex parte Appeal No. 315-40*, 152 USPQ 71 (Bd. App. 1965). No argument asserting patentability based on the differences between the groups will be considered once the groups have been determined to comprise a single inventive concept.

In view of the above requirement, action on the merits is deferred pending compliance with the requirement in accordance with *Ex parte Heckman*, 135 USPQ 229 (P.O. Super. Exam. 1960).

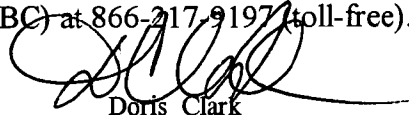
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doris Clark whose telephone number is 571 272 2649. The examiner can normally be reached on Monday through Friday from 8 to 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Louis Zarfes, can be reached on Monday through Friday at 571 272 2649. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 2914

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).



Doris Clark
Primary Examiner
Art Unit 2914



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov



Bib Data Sheet

CONFIRMATION NO. 4935

SERIAL NUMBER 29/203,806	FILING DATE 04/20/2004 RULE	CLASS D25	GROUP ART UNIT 2914	ATTORNEY DOCKET NO. 040040
-----------------------------	---------------------------------------	--------------	------------------------	----------------------------------

APPLICANTS

Mark A. Thimons, Natrona Heights, PA;

Mark J. Klos, West Mifflin, PA;

** CONTINUING DATA *****

** FOREIGN APPLICATIONS *****

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
 ** 06/07/2004

Foreign Priority claimed 35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input checked="" type="checkbox"/> May after Allowance	STATE OR COUNTRY PA	SHEETS DRAWING 36	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
Verified and Acknowledged	Examiner's Signature: Initials:				

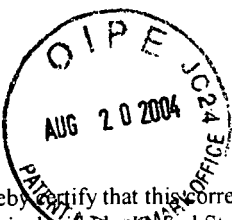
ADDRESS

23464
 BUCHANAN INGERSOLL, P.C.
 ONE OXFORD CENTRE, 301 GRANT STREET
 20TH FLOOR
 PITTSBURGH, PA
 15219

TITLE

Building panel

FILING FEE RECEIVED 235	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue)
----------------------------	---	--



IFW

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

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

8/18/04
Date
Buchanan Ingersoll, P.C.
Buchanan Ingersoll, P.C.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 29/203,806
Applicants : Mark A. Thimons, et al.
Filed : April 20, 2004
Title : BUILDING PANEL

Group Art Unit : 2914
Examiner :

Docket No. : 040040

INFORMATION DISCLOSURE STATEMENT

Pittsburgh, Pennsylvania 15219
August 18, 2004

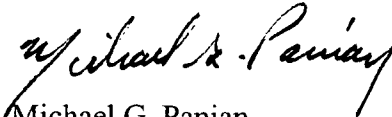
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 C.F.R. Sections 1.56, 1.97 and 1.98, Applicant submits the documents listed on the attached PTO Form SB/08B for consideration during prosecution of the above-captioned patent application filed on April 20, 2004. Applicant hereby requests the Examiner to review and make an independent evaluation of the art.

This statement is made solely for the purpose of compliance with the above-identified rules and is not intended to be a substitute for an independent search by the Examiner and no representation of any such nature is made or intended by this statement.

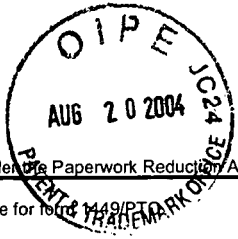
Respectfully submitted,


Michael G. Panian
Reg. No. 32,623

Buchanan Ingersoll, P.C.
One Oxford Center, 20th Floor
Pittsburgh, PA 15219
(412) 562-3743
e-mail: panianmg@bipc.com

Dated: August 18, 2004

Attorney for Applicants



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	29/203,806
				Filing Date	April 20, 2004
				First Named Inventor	Mark A. Thimons
				Art Unit	2914
				Examiner Name	
Sheet 1 of 1	Attorney Docket Number 040040				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		"Commercial & Industrial Metal Wall Systems" Robertson Product Brochure, p. 9 (1994)	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
 1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ARTIFACT SHEET

Enter artifact number below. Artifact number is application number + artifact type code (see list below) + sequential letter (A, B, C ...). The first artifact folder for an artifact type receives the letter A, the second B, etc..
Examples: 59123456PA, 59123456PB, 59123456ZA, 59123456ZB

29203806 ZA

Indicate quantity of a single type of artifact received but not scanned. Create individual artifact folder/box and artifact number for each Artifact Type.

- CD(s) containing:
 - computer program listing Artifact Type Code: P
 - Doc Code: Computer
 - pages of specification and/or sequence listing
 - and/or table
 - Doc Code: Artifact Artifact Type Code: S
 - content unspecified or combined
 - Doc Code: Artifact Artifact Type Code: U

- Stapled Set(s) Color Documents or B/W Photographs
Doc Code: Artifact Artifact Type Code: C

- Microfilm(s)
Doc Code: Artifact Artifact Type Code: F

- Video tape(s)
Doc Code: Artifact Artifact Type Code: V

- Model(s)
Doc Code: Artifact Artifact Type Code: M

- Bound Document(s)
Doc Code: Artifact Artifact Type Code: B

- Confidential Information Disclosure Statement or Other Documents marked Proprietary, Trade Secrets, Subject to Protective Order, Material Submitted under MPEP 724.02, etc.
Doc Code: Artifact Artifact Type Code X

- 15 Other, description: NPL
Doc Code: Artifact Artifact Type Code: Z

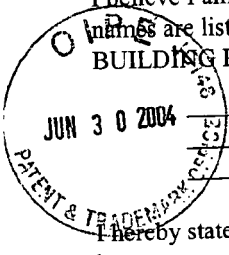
DECLARATION FOR DESIGN PATENT APPLICATION

Docket No. 040040

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a design patent is sought on the invention entitled BUILDING PANEL, the specification of which (check one):



is attached hereto was filed on _____ as Application Serial No. _____ and was amended on _____, if applicable

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Table with 3 columns: Prior Foreign Application(s), Priority Claimed, Yes/No. Includes sub-headers (Number), (County), (Date/Month/Year Filed).

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Table with 3 columns: (Application Serial No.), (Filing Date), (Status: patented, pending, abandoned). Two rows.

I hereby appoint the following attorney(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith: Lynn J. Alstadt, Reg. No. 29,362; George P. Baier, Reg. No. 26,717; Dennis M. Carleton, Reg. No. 40,938; Craig G. Cochenour, Reg. No. 33,666; James W. Collett, Reg. No. 46,636; Michael L. Dever, Reg. No. 32,216; Bradford J. Duft, Reg. No. 32,219; John E. Grosselin, III, Reg. No. 38,478; Bryan H. Opalko, Reg. No. 40,751; Michael G. Panian, Reg. No. 32,623; Duane A. Stewart III, Reg. No. 54,468 and Carla J. Vrsansky, Reg. No. 36,958.

Address all telephone calls to Michael G. Panian
Address all correspondence to Buchanan Ingersoll Professional Corporation
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219-1410
412-562-3743

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Mark A. Thimons
Inventor's Signature *Mark A. Thimons* Date 5/14/04
Residence Natrona Heights, Allegheny County, Pennsylvania Citizenship U.S.A.
Post Office Address 1230 Minnesota Avenue, Natrona Heights, PA 15065

Full name of second joint inventor Mark J. Klos
Inventor's Signature *Mark J. Klos* Date 05-17-04
Residence West Mifflin, Allegheny County, Pennsylvania Citizenship U.S.A.
Post Office Address 200 Shara Drive, West Mifflin, PA 15122

Full name of third joint inventor _____
Inventor's Signature _____ Date _____
Residence _____ Citizenship _____
Post Office Address _____

Full name of fourth joint inventor _____
Inventor's Signature _____ Date _____
Residence _____ Citizenship _____
Post Office Address _____

Full name of fifth joint inventor _____
Inventor's Signature _____ Date _____
Residence _____ Citizenship _____
Post Office Address _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
29/203,806	04/20/2004	Mark A. Thimons	040040

CONFIRMATION NO. 4935

23464
BUCHANAN INGERSOLL, P.C.
ONE OXFORD CENTRE, 301 GRANT STREET
20TH FLOOR
PITTSBURGH, PA 15219

FORMALITIES LETTER



OC000000012888621

Date Mailed: 06/07/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

M Tran

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

22783 U.S. PTO
042004

22154 U.S. PTO
29/203806
042004

PTO/SB/18 (06-03)

Approved for use through 07/31/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DESIGN PATENT APPLICATION TRANSMITTAL

Attorney Docket No.	040040
First Named Inventor	Mark A. Thimons, et al.
Title	BUILDING PANEL
Express Mail Label No.	EV 369815595

(Only for new nonprovisional applications under 37 CFR 1.53(b))

ADDRESS TO:
Mail Stop Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DESIGN V. UTILITY: A "design patent" protects an article's ornamental appearance (e.g., the way an article looks) (35 U.S.C. 171), while a "utility patent" protects the way an article is used and works (35 U.S.C. 101). The ornamental appearance of an article includes its shape/configuration or surface ornamentation upon the article, or both. Both a design and a utility patent may be obtained on an article if invention resides both in its ornamental appearance and its utility. For more information, see MPEP 1502.01.

APPLICATION ELEMENTS ACCOMPANYING APPLICATION PARTS

- See MPEP 1500 concerning design patent application contents.
- Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing)
 - Applicant claims small entity status. See 37 CFR 1.27.
 - Specification [Total Pages 5] (preferred arrangement set forth below, MPEP 1503.01)
 - Preamble
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Description of the figure(s) of the drawings
 - Feature description
 - Claim (only one (1) claim permitted, MPEP 1503.03)
 - Drawing(s) (37 CFR 1.152) [Total Sheets 36]
 - Oath or Declaration (**unsigned**) [Total Pages 2]
 - Unsigned** executed (original or copy)
 - Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 16 completed)
 - DELETION OF INVENTOR(S)** Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
 - Application Data Sheet. See 37 CFR 1.76

- Assignment Papers (cover sheet & document(s))
- 37 CFR 3.73(b) Statement Power of Attorney (when there is an assignee)
- English Translation Document (if applicable)
- Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
- Preliminary Amendment
- Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- Certified Copy of Priority Document(s) (if foreign priority is claimed)
- Request for Expedited Examination of a Design Application (37 CFR 1.155) (NOTE: Substitute "Mail Stop Expedited Design" for "Mail Stop Design" in the address indicated above.)
- Other: _____

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Prior application information: Examiner _____ Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be by reference if the information has been inadvertently omitted from the submitted application parts.

CORRESPONDENCE ADDRESS

Customer Number: 23464 OR Correspondence address below

Name: Michael G. Panian, Esq.
Address: One Oxford Centre, 301 Grant Street, 20th Flr.
City: Pittsburgh State: PA Zip Code: 15219-1410
Country: USA Telephone: 412-562-3743 Fax: 412-562-1041

Name (Print/Type): Michael G. Panian Registration No. (Attorney/Agent): 32,623
Signature: *Michael G. Panian* Date: 4/20/04

This collection of information is required by 37 CFR 1.83(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

22783
042004
U.S. PTO

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**170.00**

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Mark A. Thimons, et al.
Examiner Name	
Art Unit	
Attorney Docket No.	040040

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number: **02-4553**
Deposit Account Name: **Buchanan Ingersoll, P.C.**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 170.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	1	-20** =		X	Fee from below	=	Fee Paid
Independent Claims	1	-3** =		X		=	
Multiple Dependent						=	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	1053 130	2053 130	Non-English specification	
1812 2,520	2012 2,520	1812 2,520	2012 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	2004 920*	1804 920*	2004 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2005 1,840*	1805 1,840*	2005 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	1403 290	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	1502 480	2502 240	Design issue fee	
1503 640	2503 320	1503 640	2503 320	Plant issue fee	
1460 130	2460 130	1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	1807 50	2807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	2806 180	1806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	2801 40	8021 40	2801 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Michael G. Papian	Registration No. (Attorney/Agent)	32,623	Telephone	412-562-3743
Signature	<i>Michael G. Papian</i>	Date	4/20/04		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

22783 U.S. PTO
042004

22154 U.S. PTO
29/203806
042004

PTO/SB/18 (06-03)

Approved for use through 07/31/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DESIGN PATENT APPLICATION TRANSMITTAL

Attorney Docket No.	040040
First Named Inventor	Mark A. Thimons, et al.
Title	BUILDING PANEL
Express Mail Label No.	EV 369815595

(Only for new nonprovisional applications under 37 CFR 1.53(b))

ADDRESS TO:
Mail Stop Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DESIGN V. UTILITY: A "design patent" protects an article's ornamental appearance (e.g., the way an article looks) (35 U.S.C. 171), while a "utility patent" protects the way an article is used and works (35 U.S.C. 101). The ornamental appearance of an article includes its shape/configuration or surface ornamentation upon the article, or both. Both a design and a utility patent may be obtained on an article if invention resides both in its ornamental appearance and its utility. For more information, see MPEP 1502.01.

APPLICATION ELEMENTS ACCOMPANYING APPLICATION PARTS

- See MPEP 1500 concerning design patent application contents.
- Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing)
 - Applicant claims small entity status. See 37 CFR 1.27.
 - Specification [Total Pages 5] (preferred arrangement set forth below, MPEP 1503.01)
 - Preamble
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Description of the figure(s) of the drawings
 - Feature description
 - Claim (only one (1) claim permitted, MPEP 1503.03)
 - Drawing(s) (37 CFR 1.152) [Total Sheets 36]
 - Oath or Declaration (**unsigned**) [Total Pages 2]
 - Unsigned** executed (original or copy)
 - Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 16 completed)
 - DELETION OF INVENTOR(S)** Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
 - Application Data Sheet. See 37 CFR 1.76

- Assignment Papers (cover sheet & document(s))
- 37 CFR 3.73(b) Statement Power of Attorney (when there is an assignee)
- English Translation Document (if applicable)
- Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
- Preliminary Amendment
- Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- Certified Copy of Priority Document(s) (if foreign priority is claimed)
- Request for Expedited Examination of a Design Application (37 CFR 1.155) (NOTE: Substitute "Mail Stop Expedited Design" for "Mail Stop Design" in the address indicated above.)
- Other: _____

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Prior application information: Examiner _____ Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be by reference if the information has been inadvertently omitted from the submitted application parts.

CORRESPONDENCE ADDRESS

Customer Number: 23464 OR Correspondence address below

Name: Michael G. Panian, Esq.
Address: One Oxford Centre, 301 Grant Street, 20th Flr.
City: Pittsburgh State: PA Zip Code: 15219-1410
Country: USA Telephone: 412-562-3743 Fax: 412-562-1041

Name (Print/Type): Michael G. Panian Registration No. (Attorney/Agent): 32,623
Signature: *Michael G. Panian* Date: 4/20/04

This collection of information is required by 37 CFR 1.83(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

22783
042004
U.S. PTO

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**170.00**

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Mark A. Thimons, et al.
Examiner Name	
Art Unit	
Attorney Docket No.	040040

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number: **02-4553**
Deposit Account Name: **Buchanan Ingersoll, P.C.**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 170.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	1	-20** =		X	Fee from below	=	
Independent Claims	1	-3** =		X	Fee from below	=	
Multiple Dependent							

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity | Small Entity

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Michael G. Papian	Registration No. (Attorney/Agent)	32,623	Telephone	412-562-3743
Signature	<i>Michael G. Papian</i>	Date	4/20/04		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

S P E C I F I C A T I O N

TO WHOM IT MAY CONCERN:

Be it known that we, Mark A. Thimons, a citizen of the United States residing at 1230 Minnesota Avenue, Natrona Heights, Allegheny County, Pennsylvania and Mark J. Klos, a citizen of the United States residing at 200 Shara Drive, West Mifflin, Allegheny County, Pennsylvania, have invented a new and ornamental design for a BUILDING PANEL of which the following is a specification, reference being had to the accompanying drawings forming a part hereof, in which:

Figure 1 is a perspective view of a building panel showing our new design;

Figure 2 is a left side elevational view thereof;

Figure 3 is a front elevational view thereof;

Figure 4 is a bottom plan view thereof;

Figure 5 is a top plan view thereof;

Figure 6 is a perspective view of two building panels attached together;

Figure 7 is a perspective view of a second embodiment of our new design;

Figure 8 is a left side elevational view thereof;

Figure 9 is a front elevational view thereof;

Figure 10 is a bottom plan view thereof;

Figure 11 is a top plan view thereof;

Figure 12 is a perspective view of two building panels attached together;

Figure 13 is a perspective view of a third embodiment of our new design;

Figure 14 is a left side elevational view thereof;

Figure 15 is a front elevational view thereof;

Figure 16 is a bottom plan view thereof;

Figure 17 is a top plan view thereof;

Figure 18 is a perspective view of two building panels attached together;

Figure 19 is a perspective view of a fourth embodiment of our new design;

Figure 20 is a left side elevational view thereof;

Figure 21 is a front elevational view thereof;

Figure 22 is a bottom plan view thereof;

Figure 23 is a top plan view thereof;

Figure 24 is a perspective view of two building panels attached together;

Figure 25 is a perspective view of a fifth embodiment of our new design;

Figure 26 is a left side elevational view thereof;

Figure 27 is a front elevational view thereof;

Figure 28 is a bottom plan view thereof;

Figure 29 is a top plan view thereof;

Figure 30 is a perspective view of two building panels attached together;

Figure 31 is a perspective view of a sixth embodiment of our new design;

Figure 32 is a left side elevational view thereof;

Figure 33 is a front elevational view thereof;

Figure 34 is a bottom plan view thereof;

Figure 35 is a top plan view thereof;

Figure 36 is a perspective view of two building panels attached together;

Figure 37 is a perspective view of a seventh embodiment of our new design;

Figure 38 is a left side elevational view thereof;

Figure 39 is a front elevational view thereof;

Figure 40 is a bottom plan view thereof;

Figure 41 is a top plan view thereof;

Figure 42 is a perspective view of two building panels attached together;

Figure 43 is a perspective view of an eighth embodiment of our new design;

Figure 44 is a left side elevational view thereof;

Figure 45 is a front elevational view thereof;

Figure 46 is a bottom plan view thereof;

Figure 47 is a top plan view thereof;

Figure 48 is a perspective view of two building panels attached together;

Figure 49 is a perspective view of a ninth embodiment of our new design;

Figure 50 is a left side elevational view thereof;

Figure 51 is a front elevational view thereof;

Figure 52 is a bottom plan view thereof;

Figure 53 is a top plan view thereof; and

Figure 54 is a perspective view of two building panels attached together.

Although Figures 6, 12, 18, 24, 30, 36, 42, 48 and 54 show building panels attached to each other in a top to bottom relationship, it will be appreciated by those skilled in the art that any of the building panels of the various embodiments shown herein may be similarly attached to each other. The phantom lines shown in the various figures are to illustrate an attachment

mechanism for the Building Panel. As such, the phantom lines shown in each of the figures are for illustrative purposes only and form no part of the design.

We claim:

1. The ornamental design for a BUILDING PANEL, as shown and described.

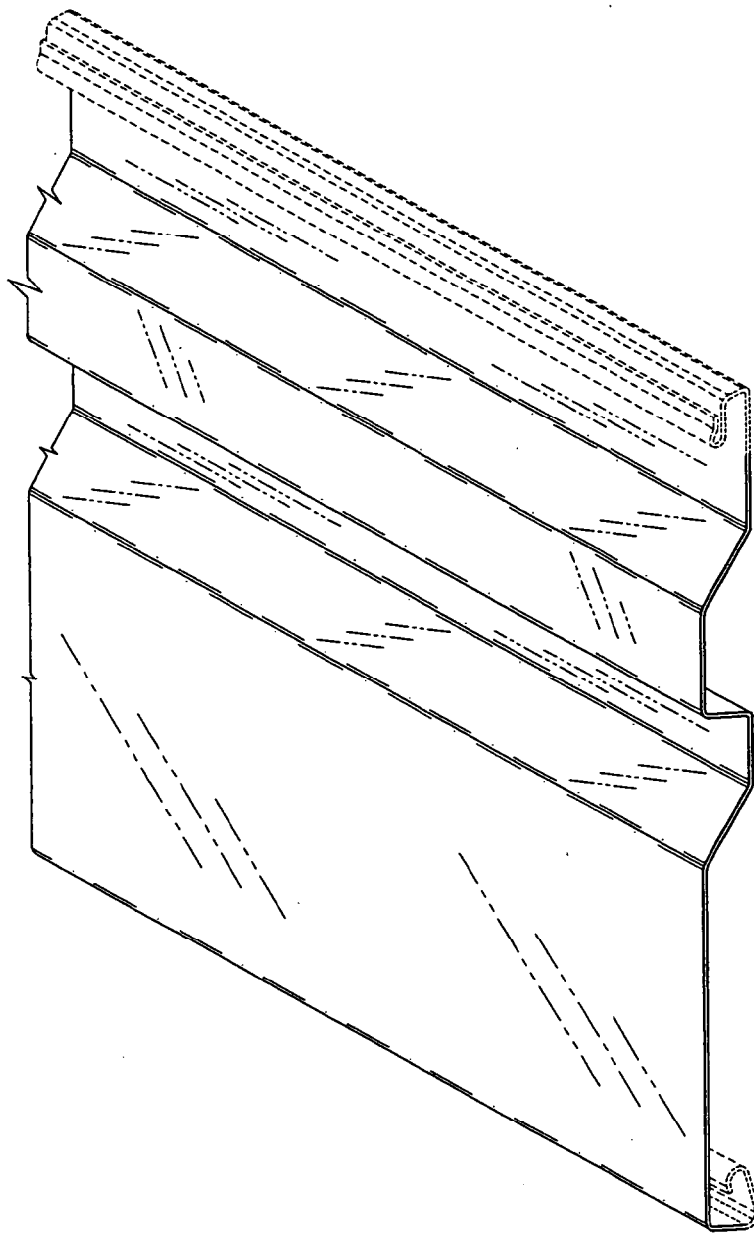


FIG. 1

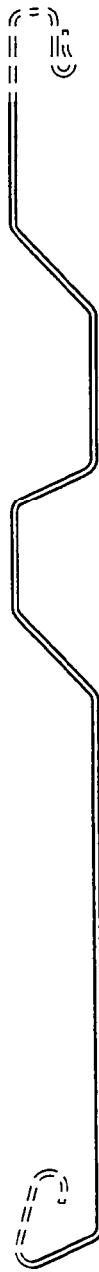


FIG. 2

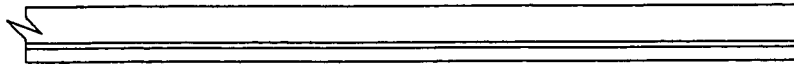


FIG. 5

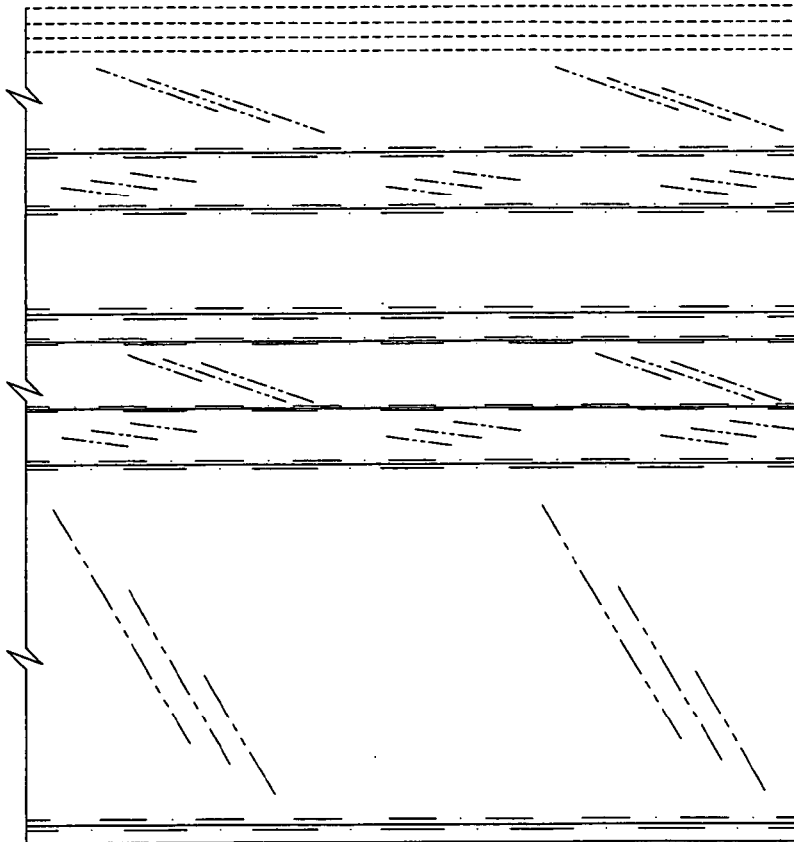


FIG. 3

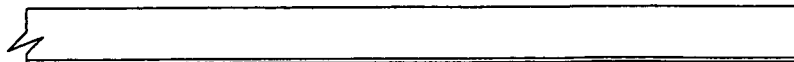


FIG. 4

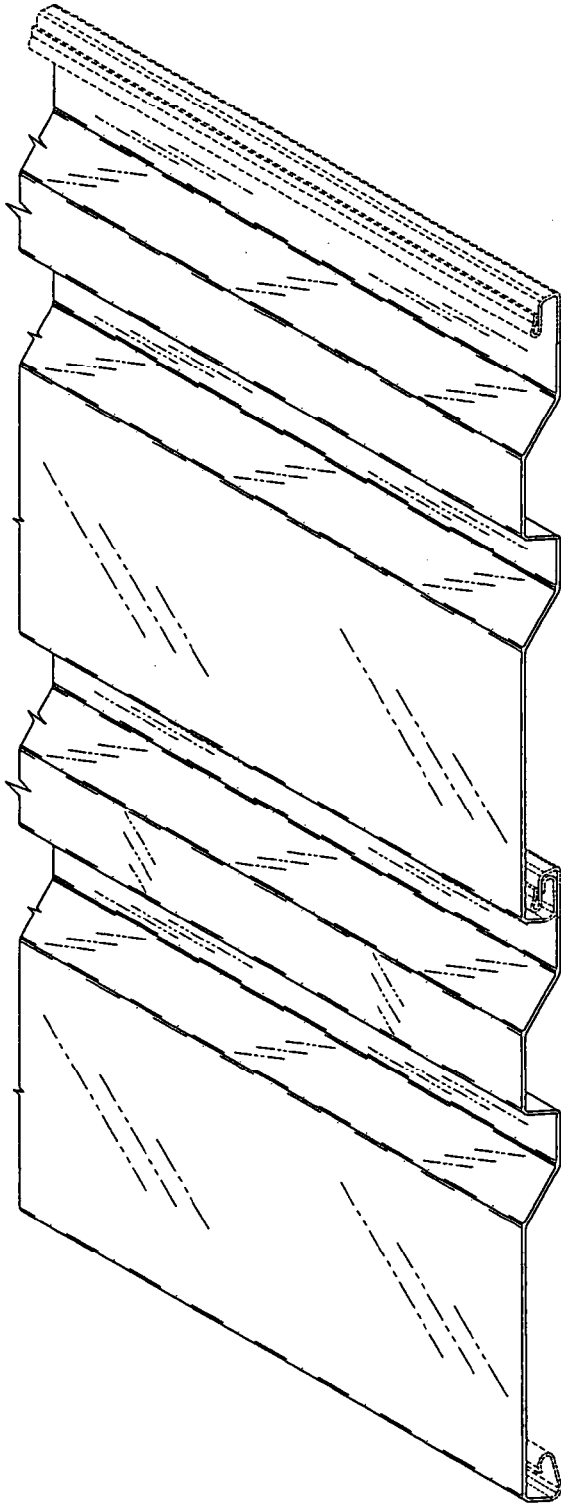


FIG. 6

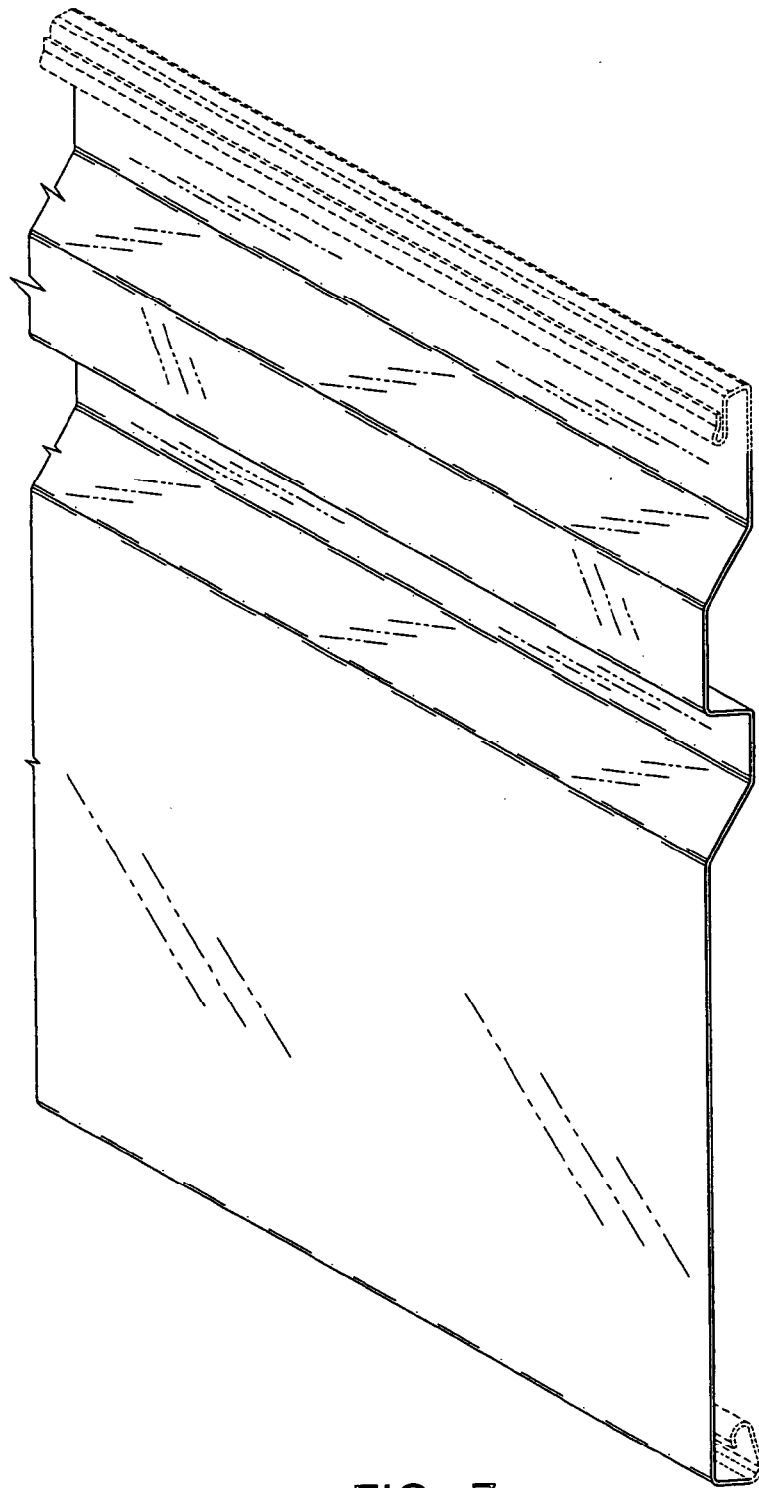


FIG. 7



FIG. 8

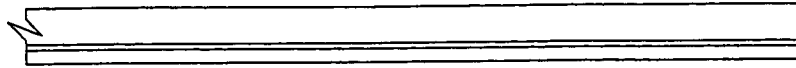


FIG. 11

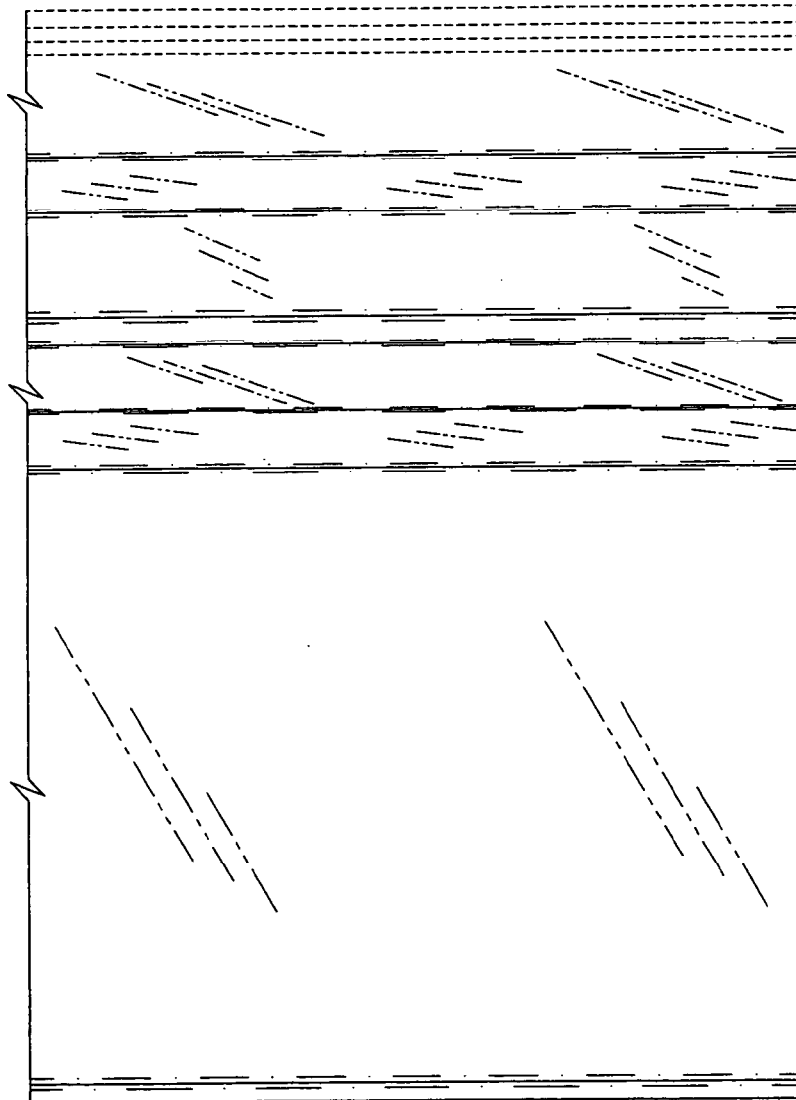


FIG. 9

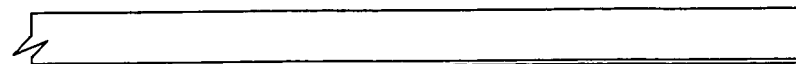


FIG. 10

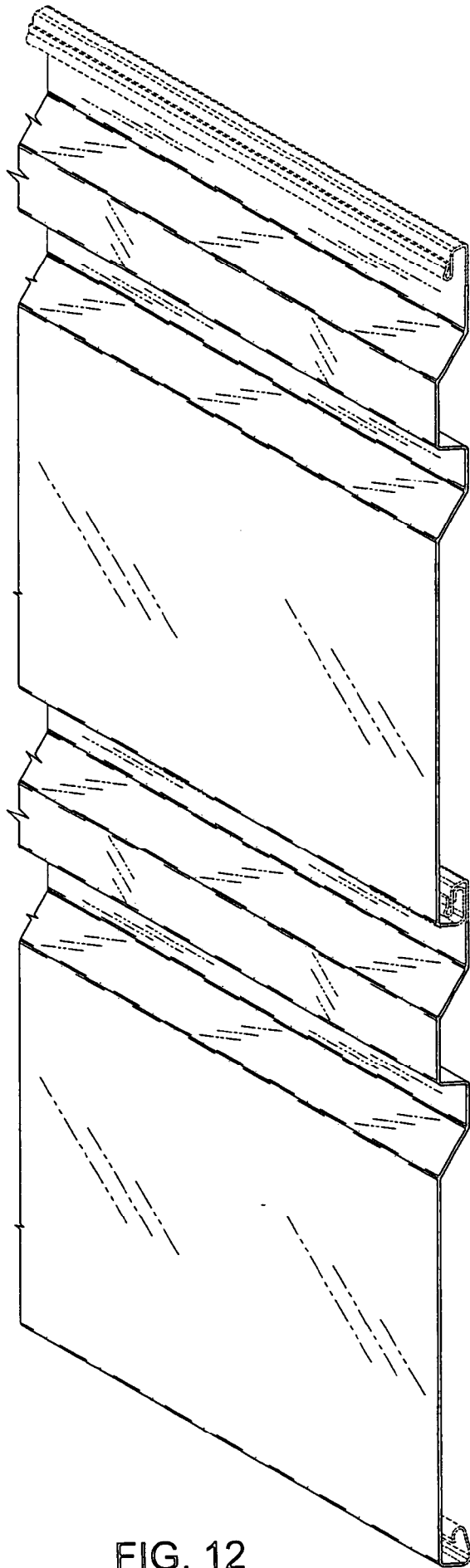


FIG. 12

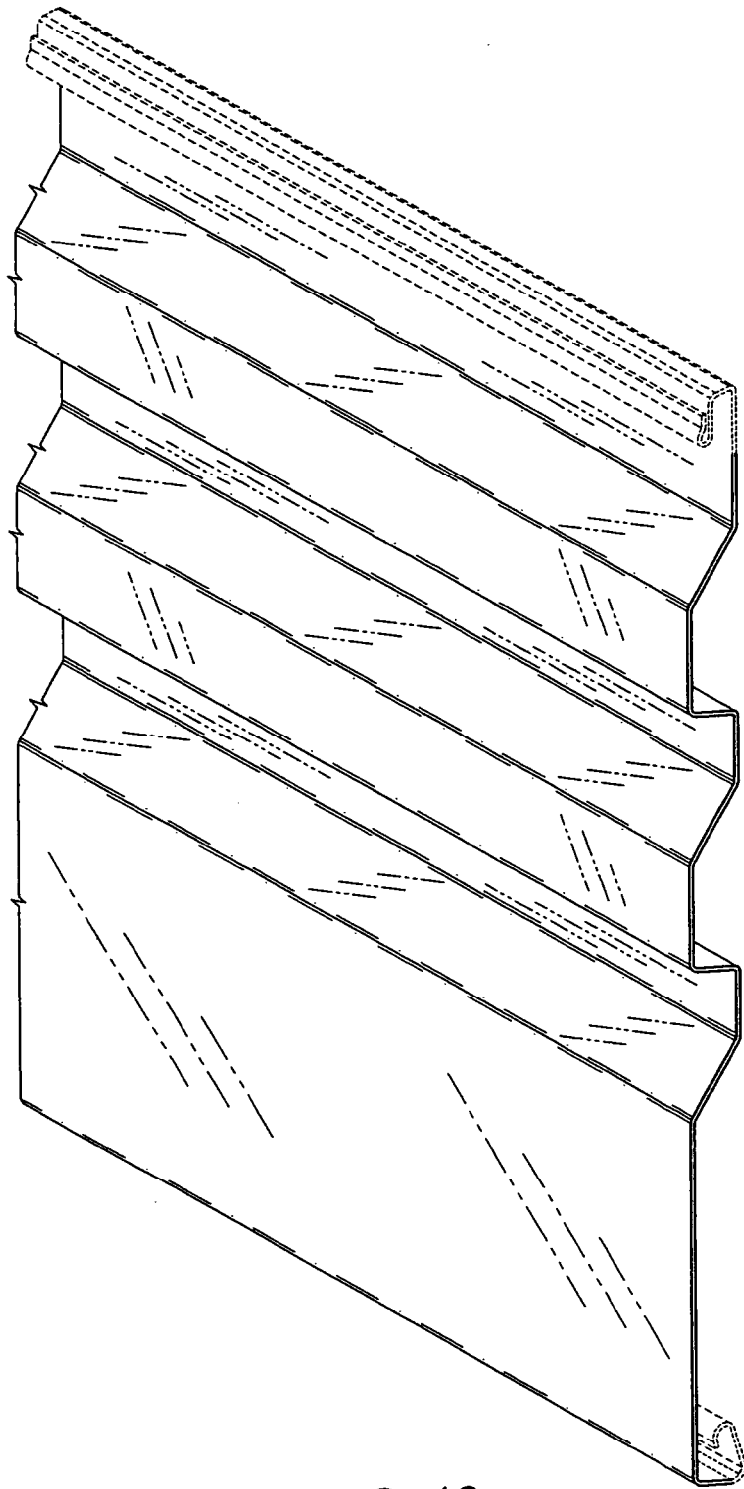


FIG. 13



FIG. 14

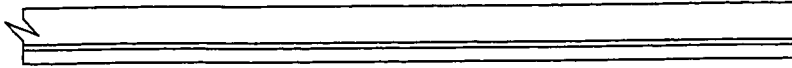


FIG. 17

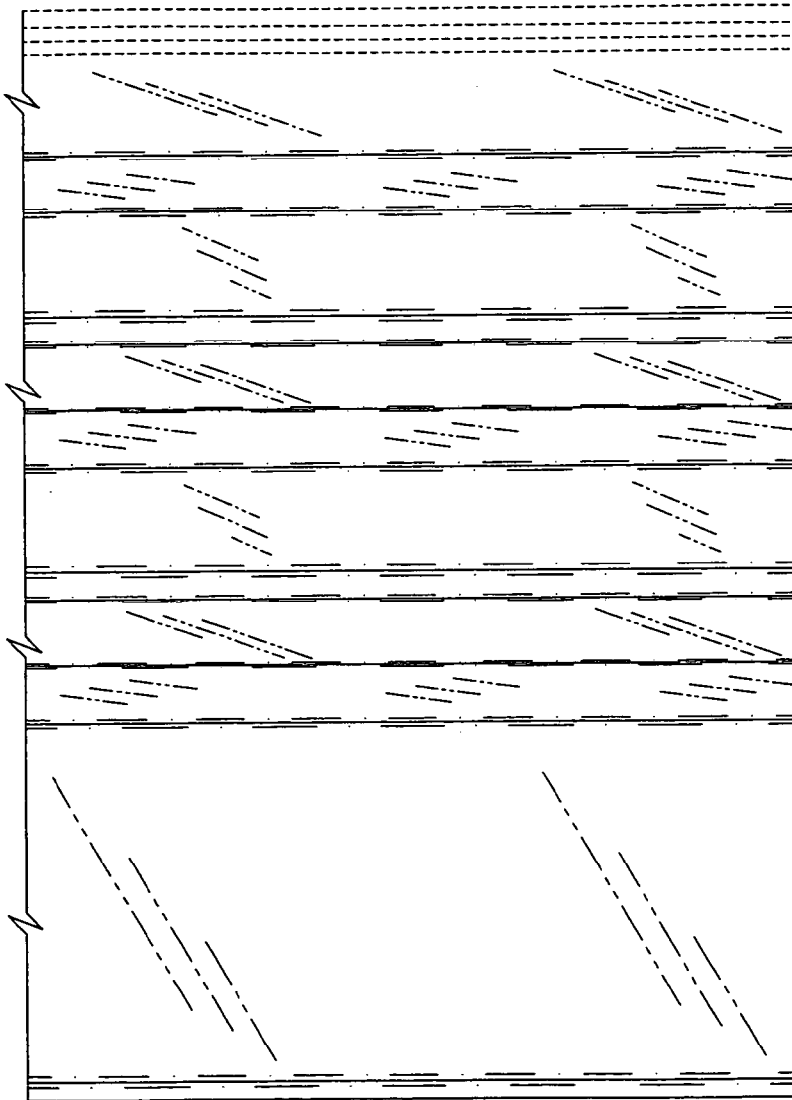


FIG. 15

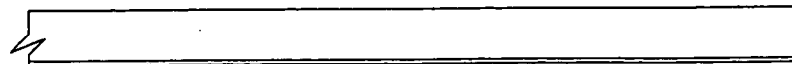


FIG. 16

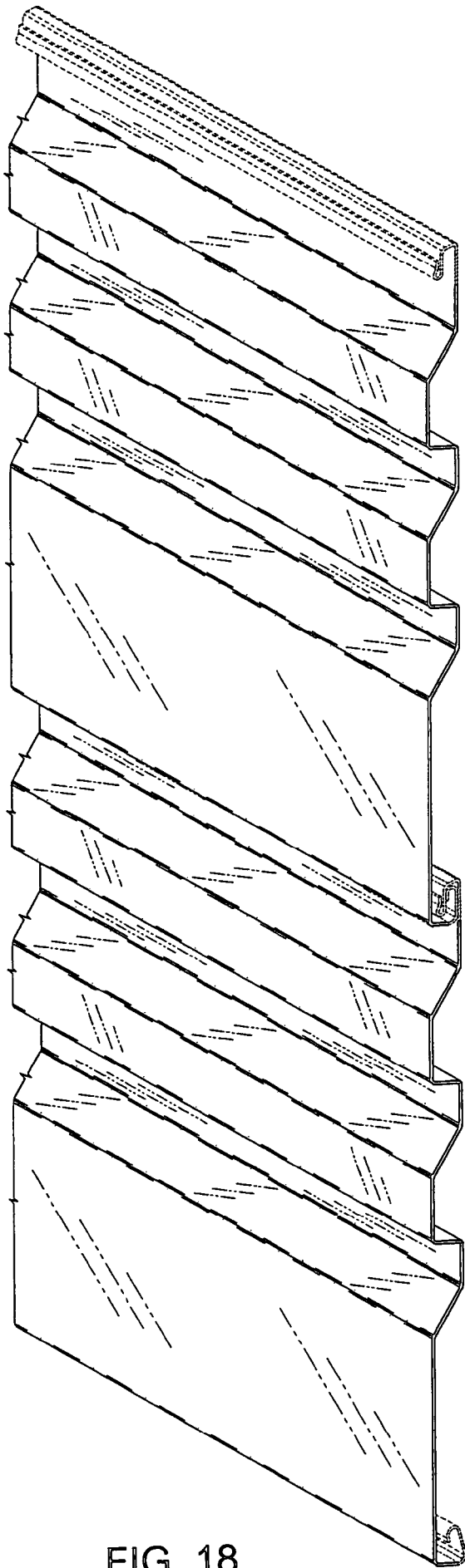


FIG. 18

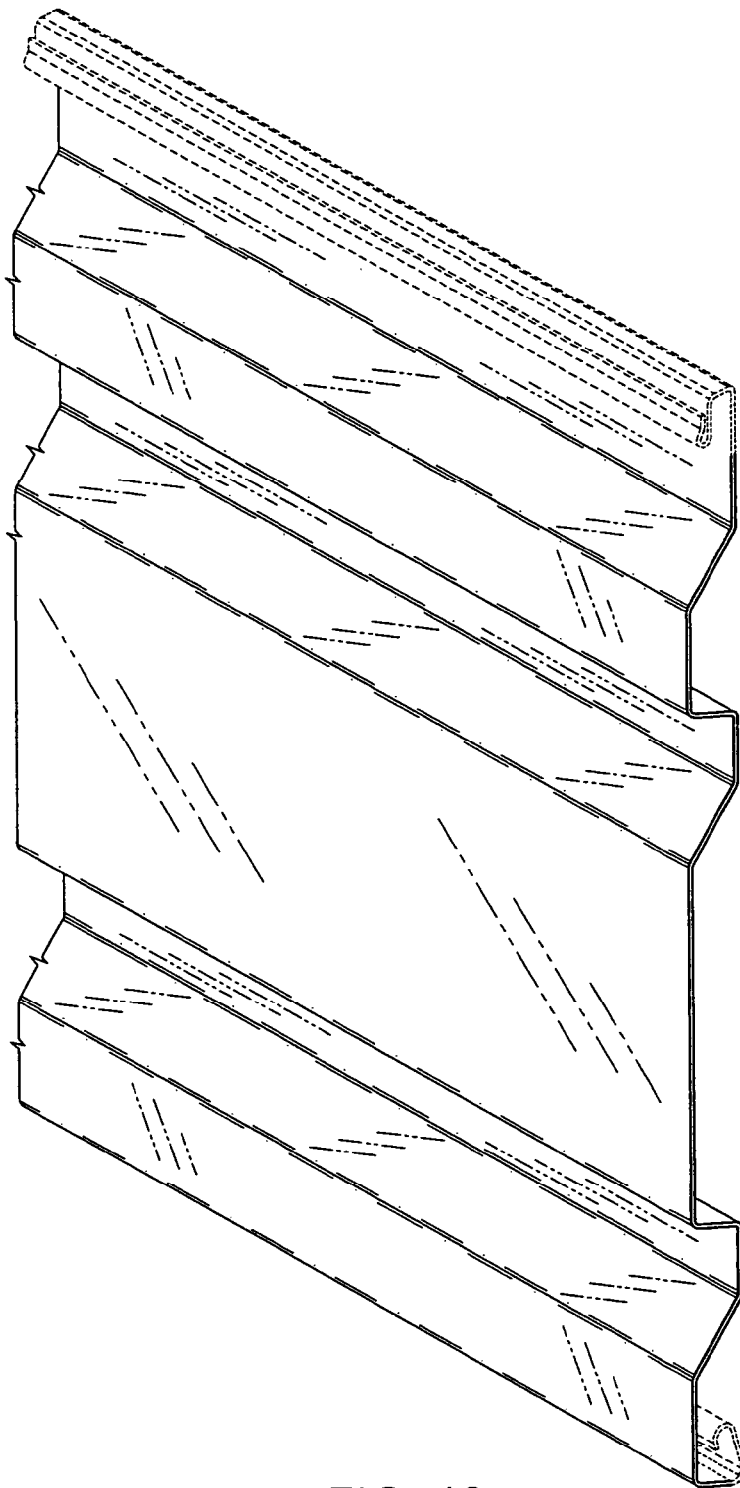


FIG. 19



FIG. 20

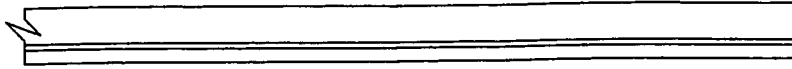


FIG. 23

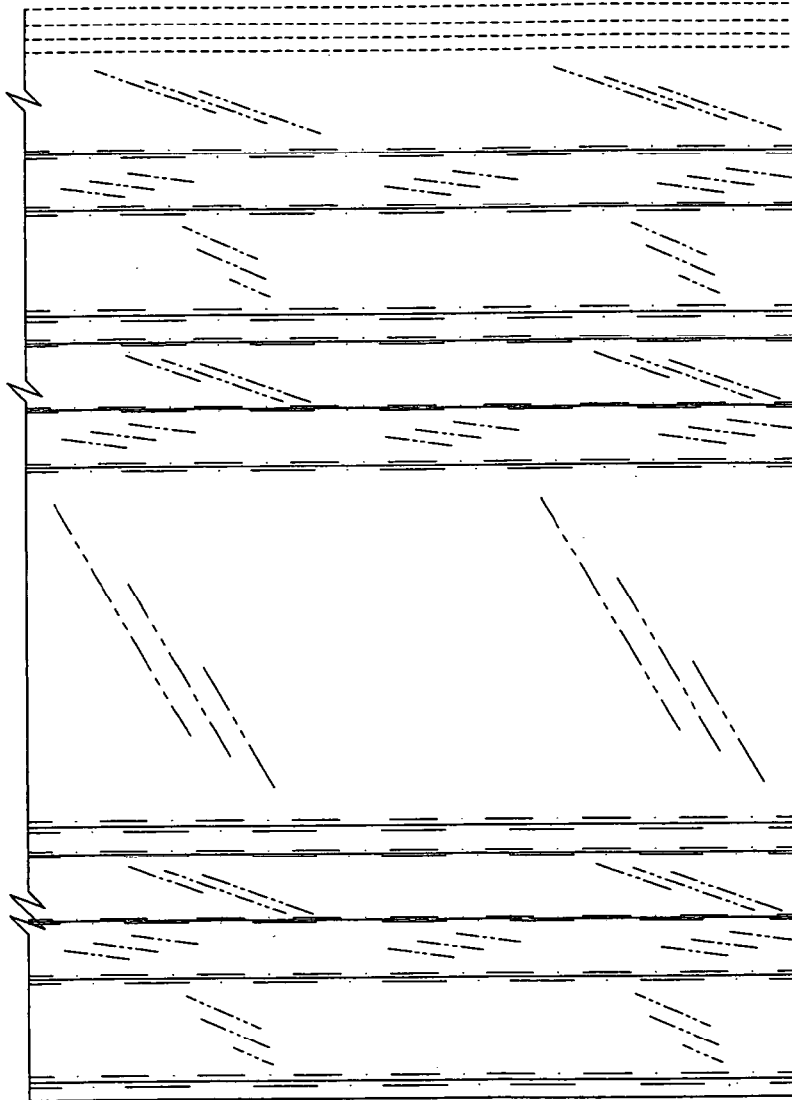


FIG. 21



FIG. 22

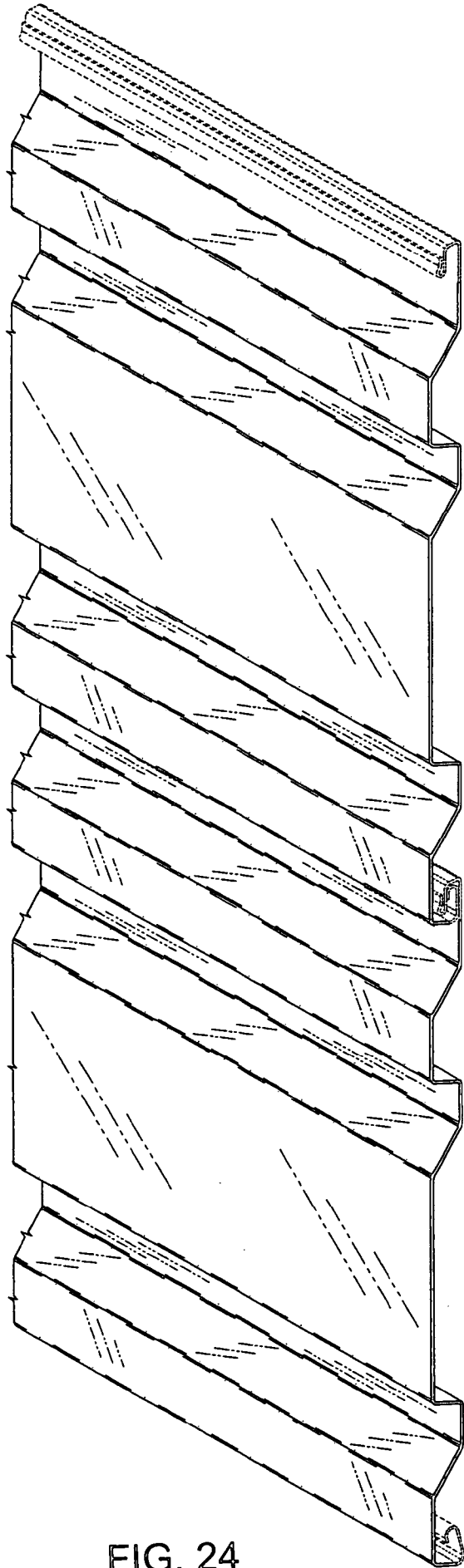


FIG. 24

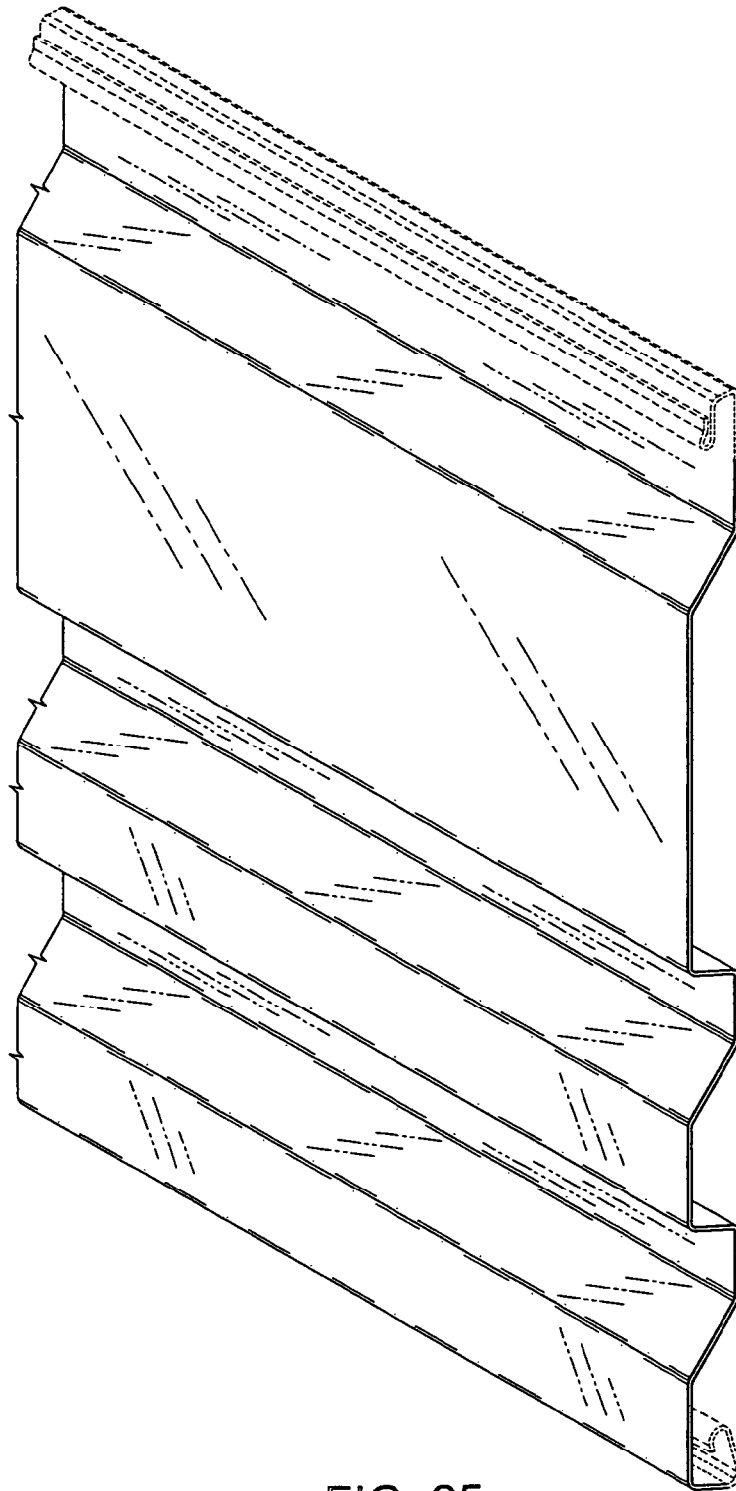


FIG. 25



FIG. 26

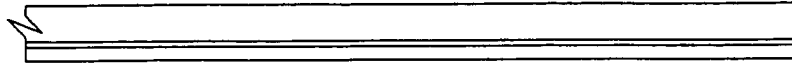


FIG. 29

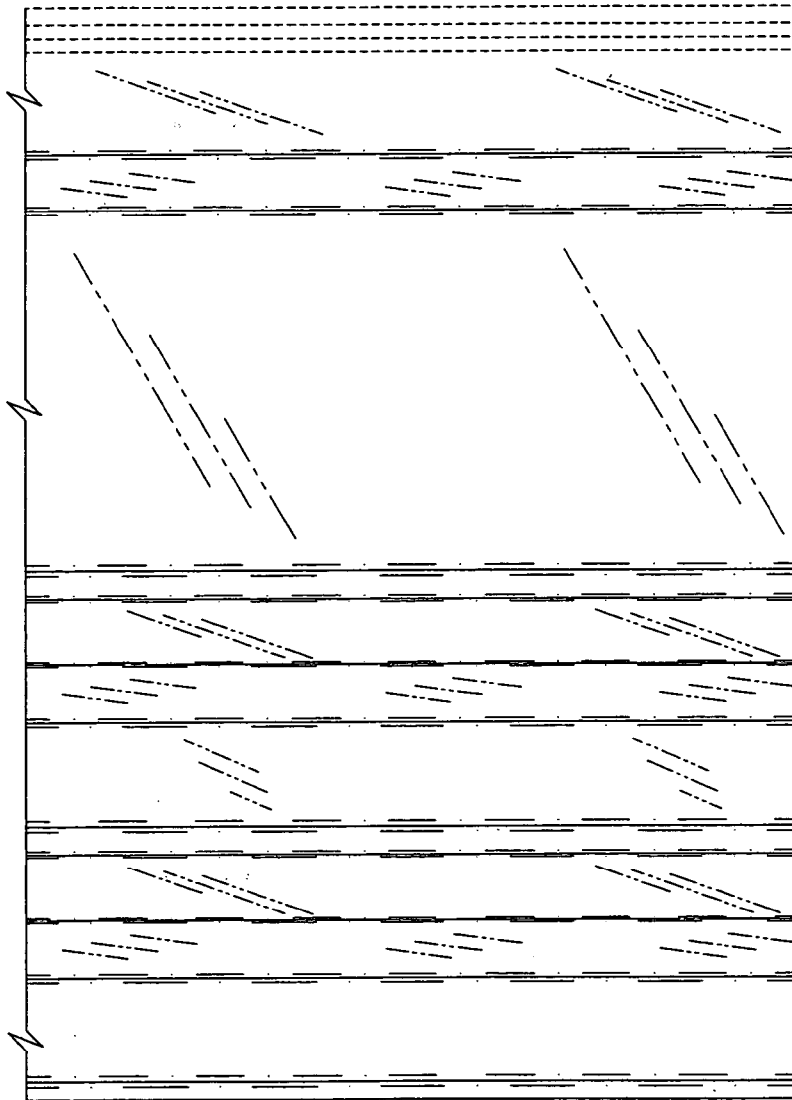


FIG. 27

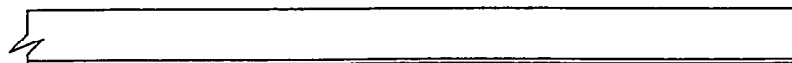


FIG. 28

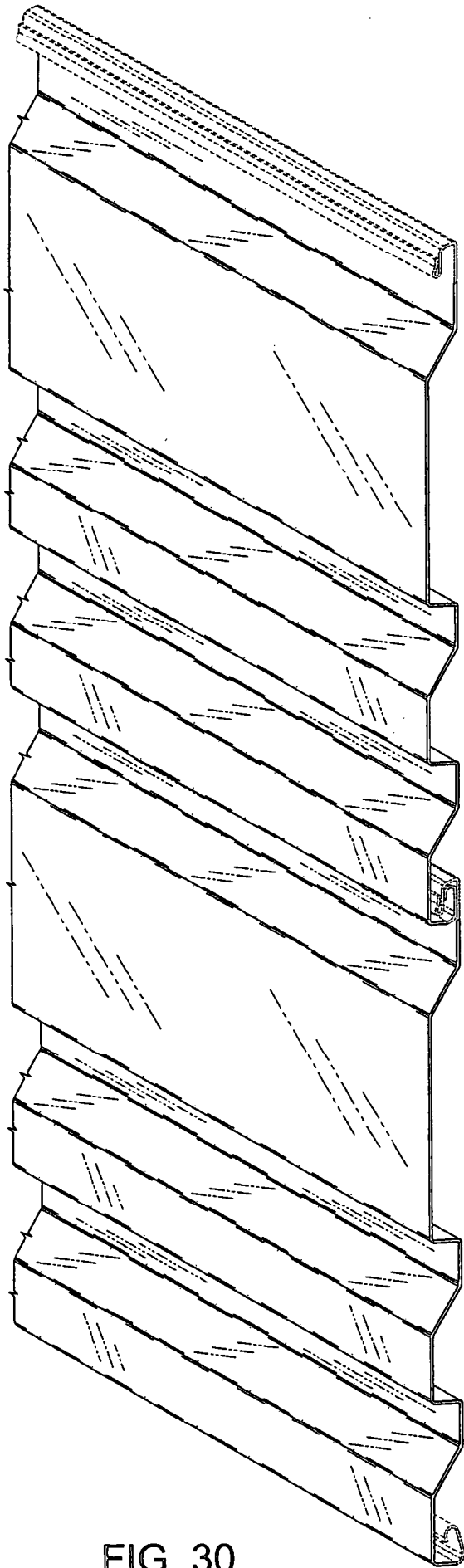


FIG. 30

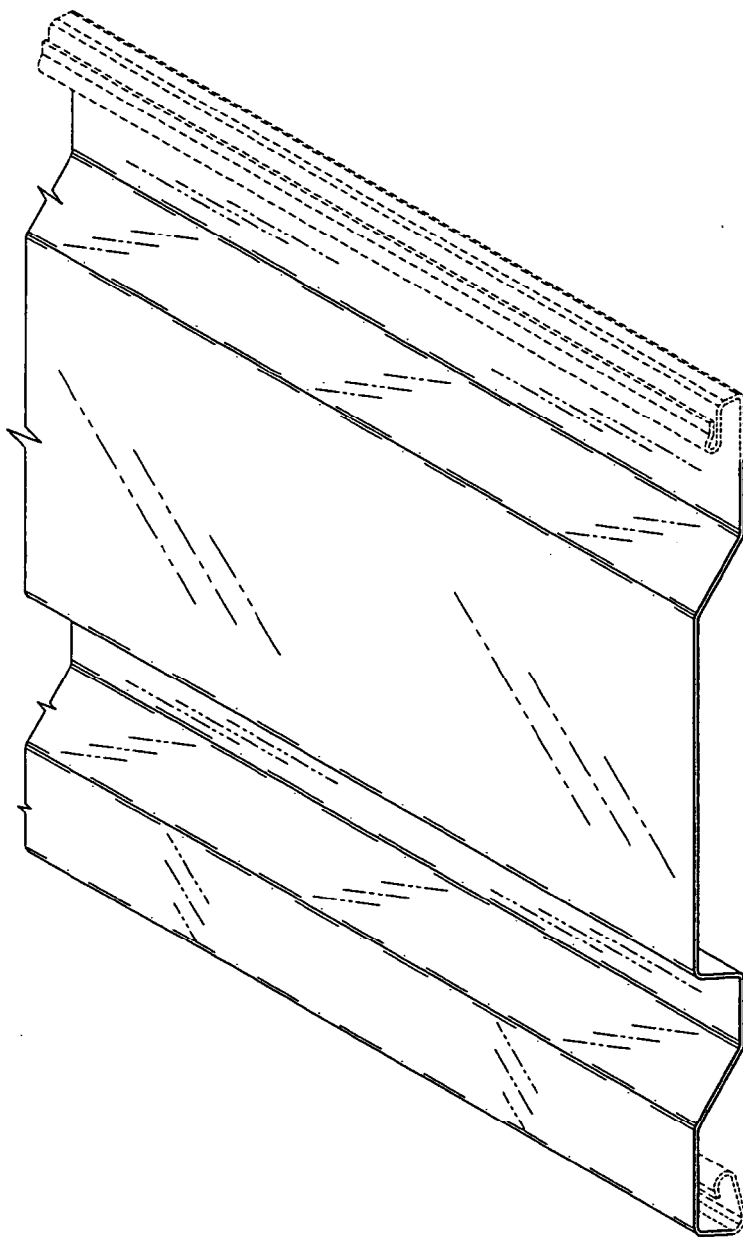


FIG. 31



FIG. 32

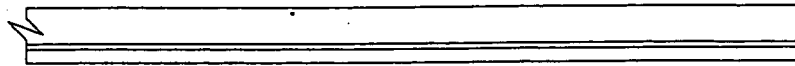


FIG. 35

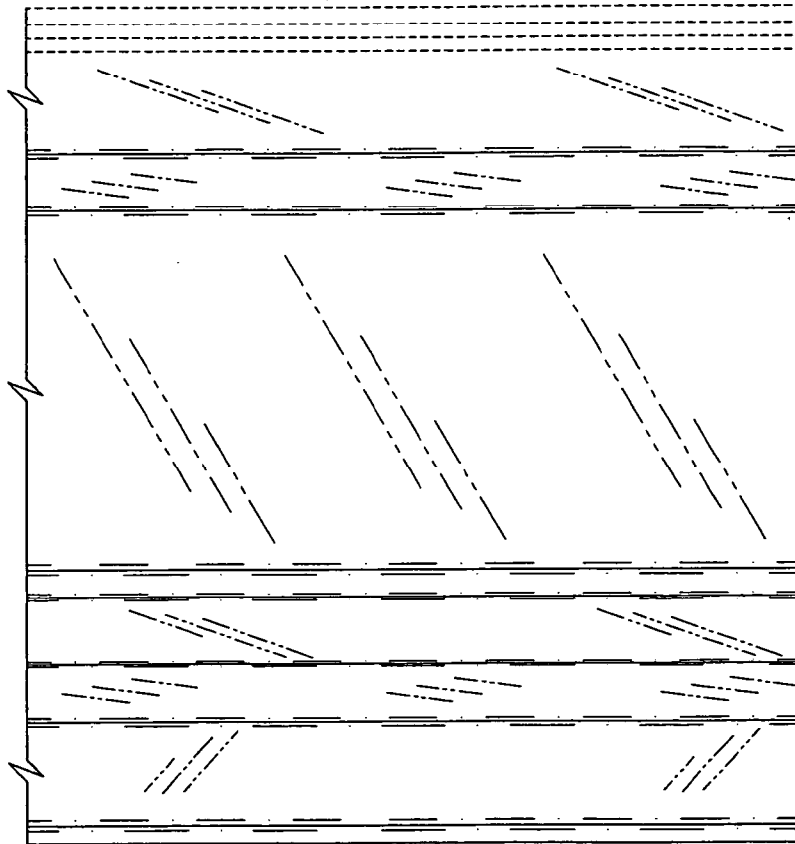


FIG. 33

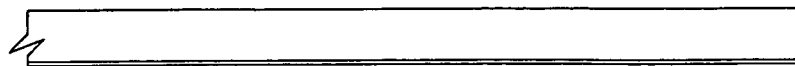


FIG. 34

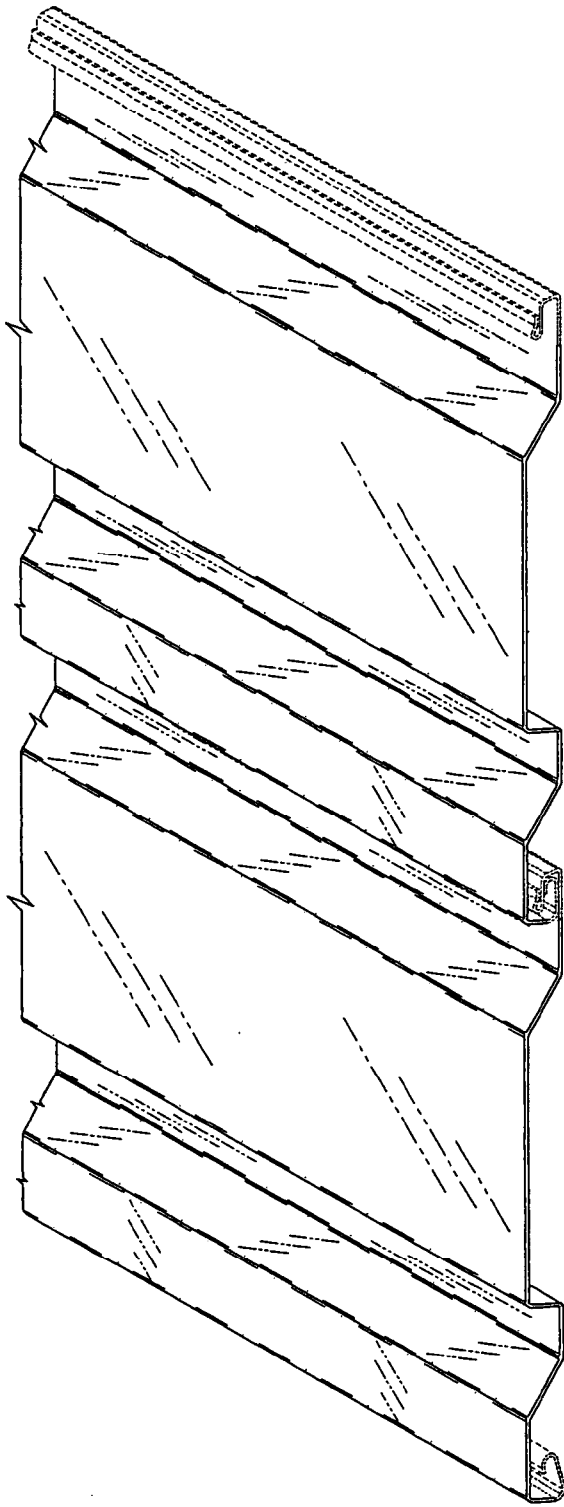


FIG. 36

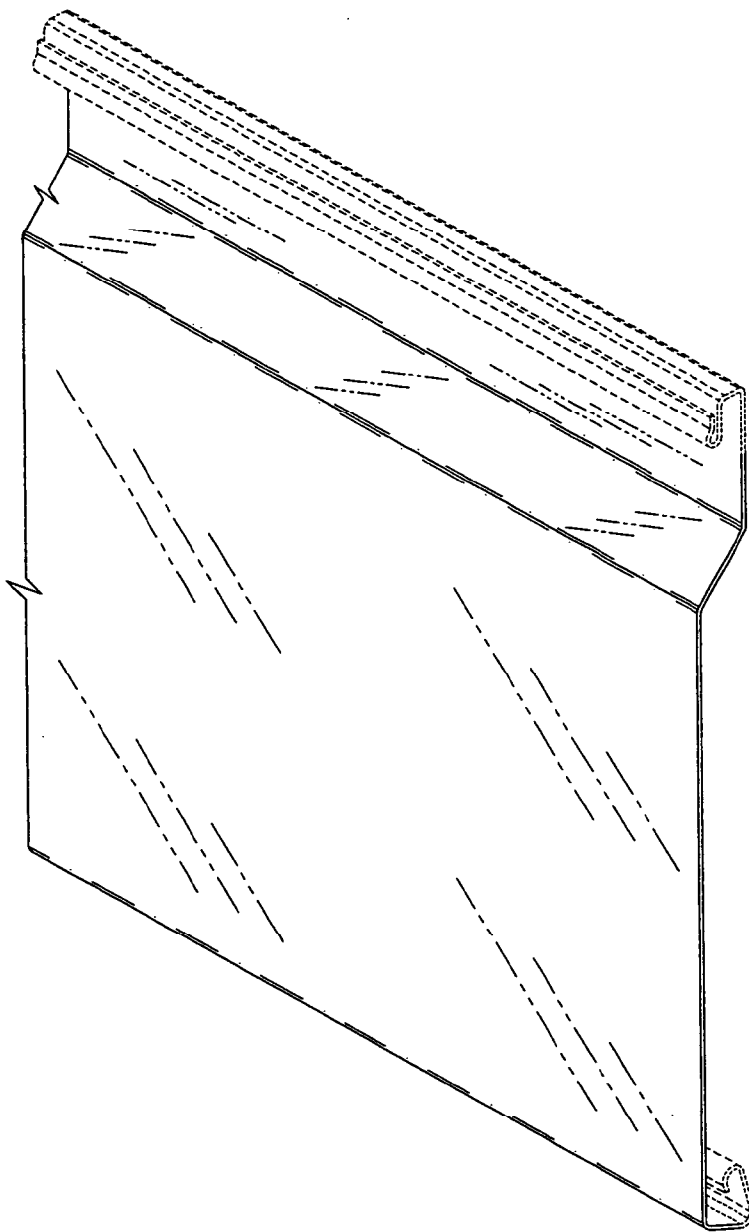


FIG. 37



FIG. 38

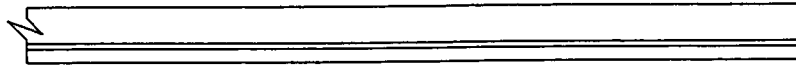


FIG. 41

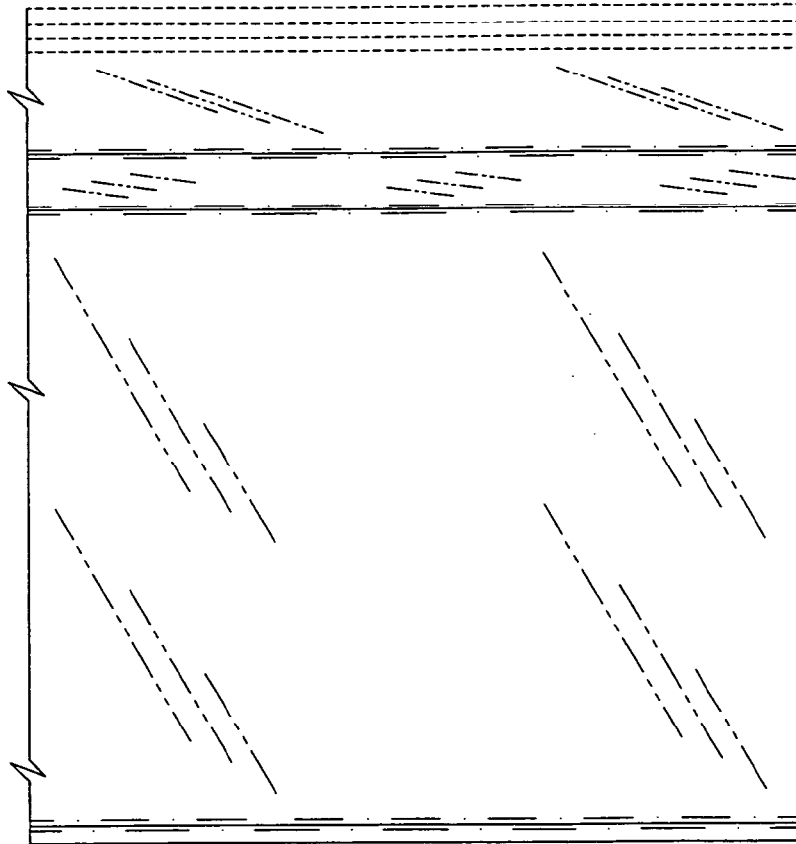


FIG. 39



FIG. 40

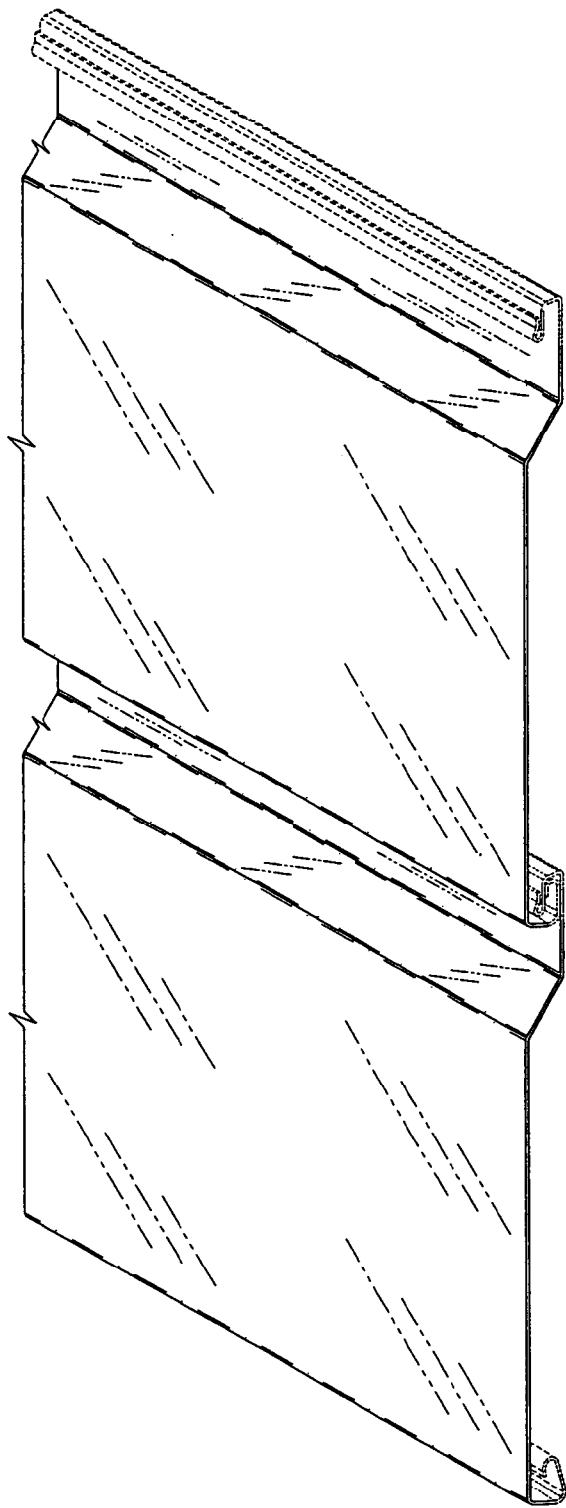


FIG. 42

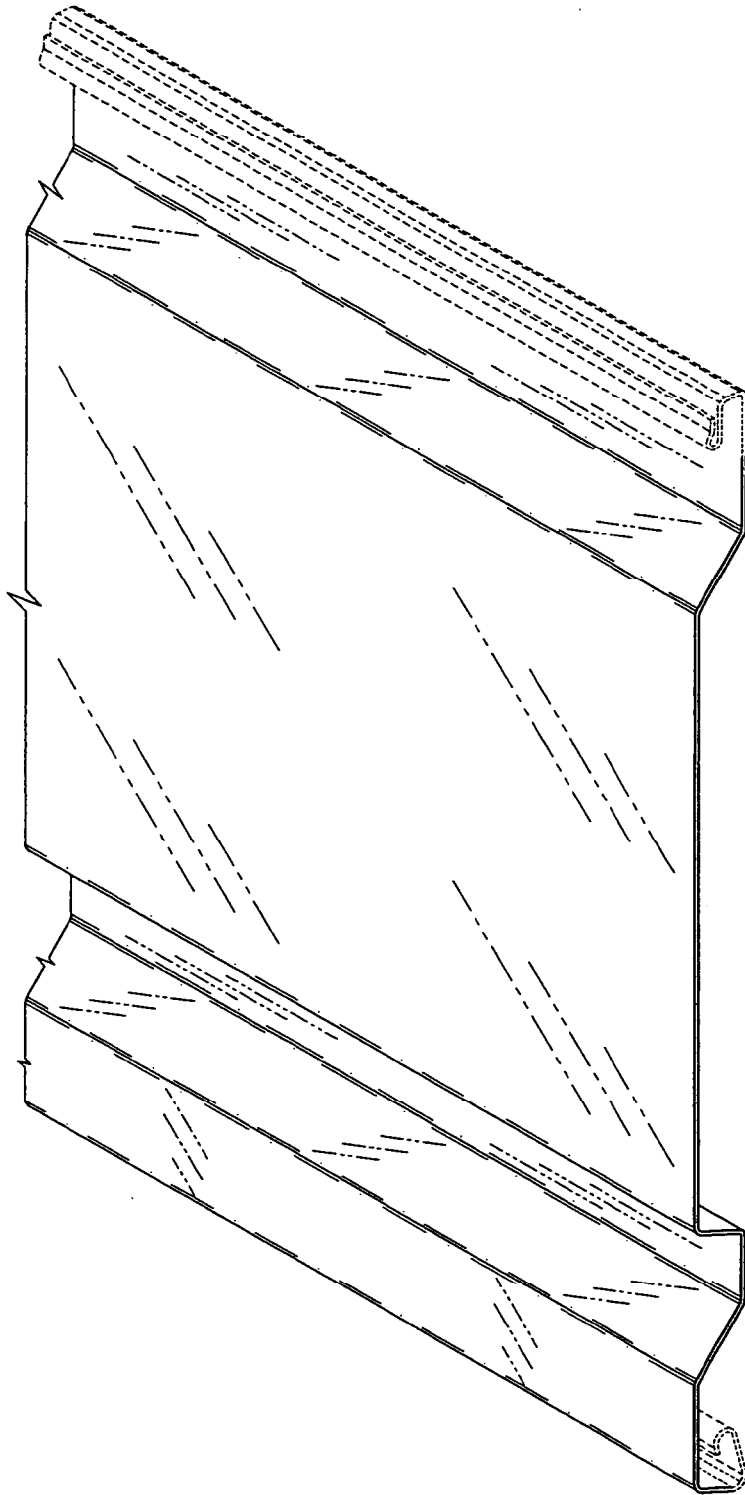


FIG. 43



FIG. 44

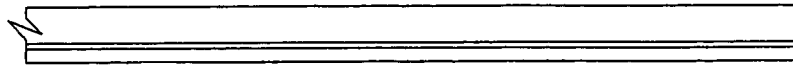


FIG. 47

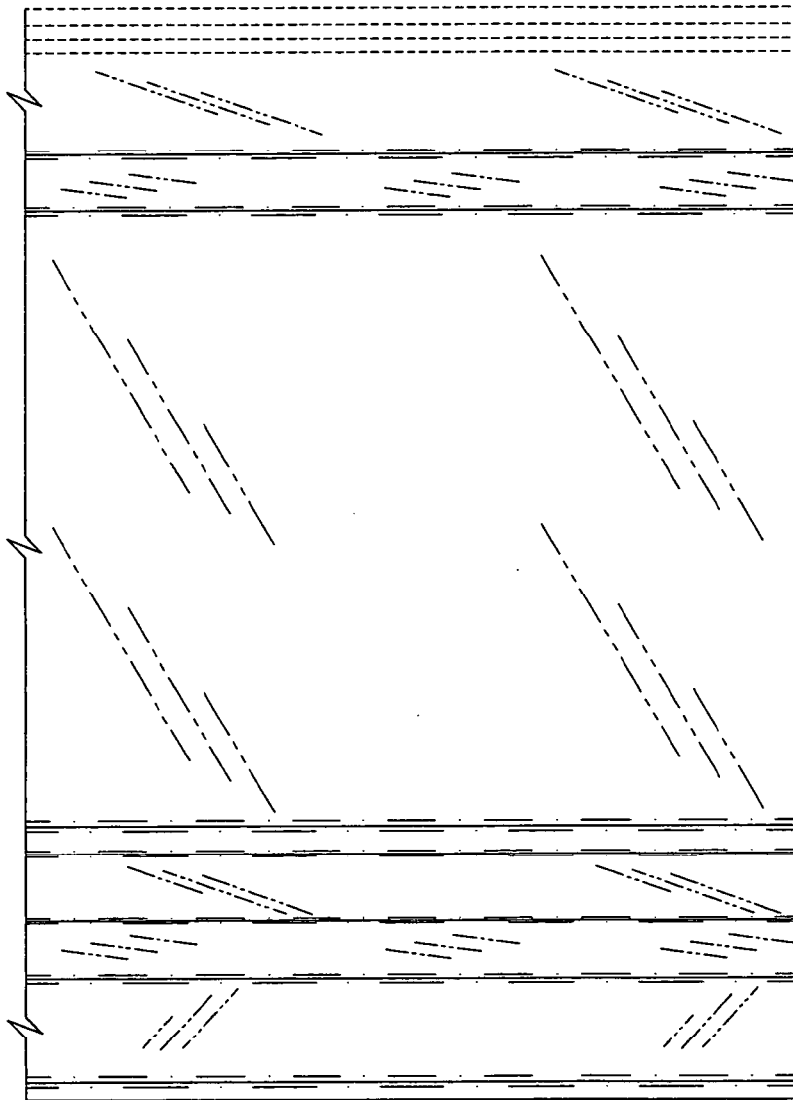


FIG. 45

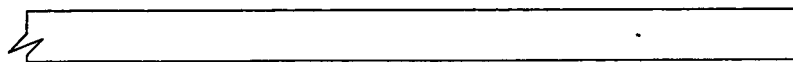


FIG. 46

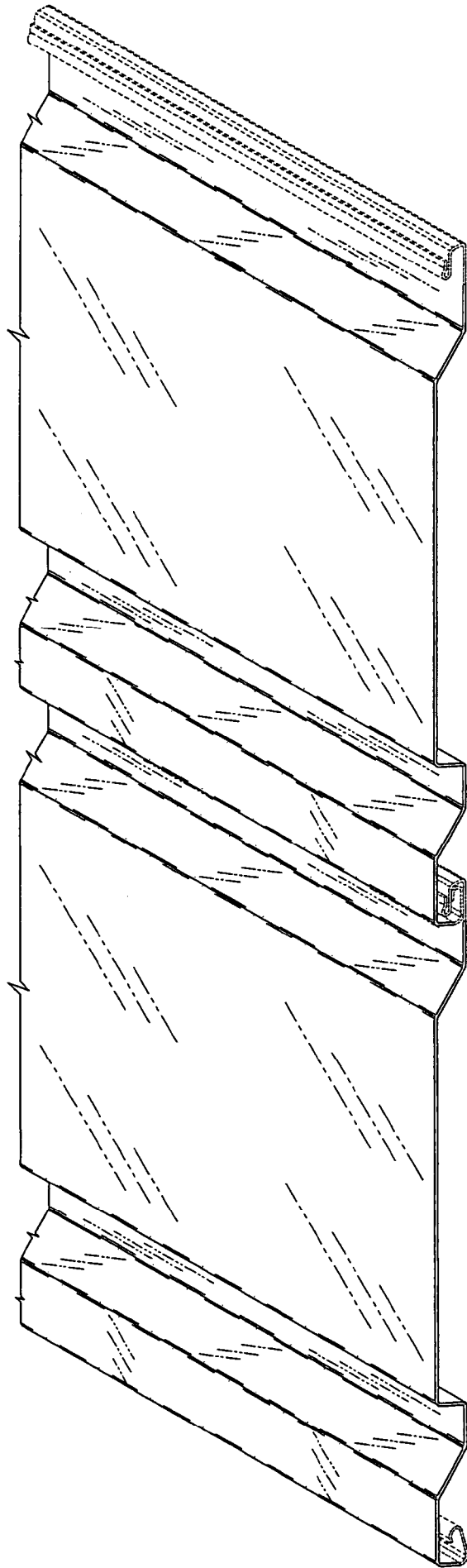


FIG. 48

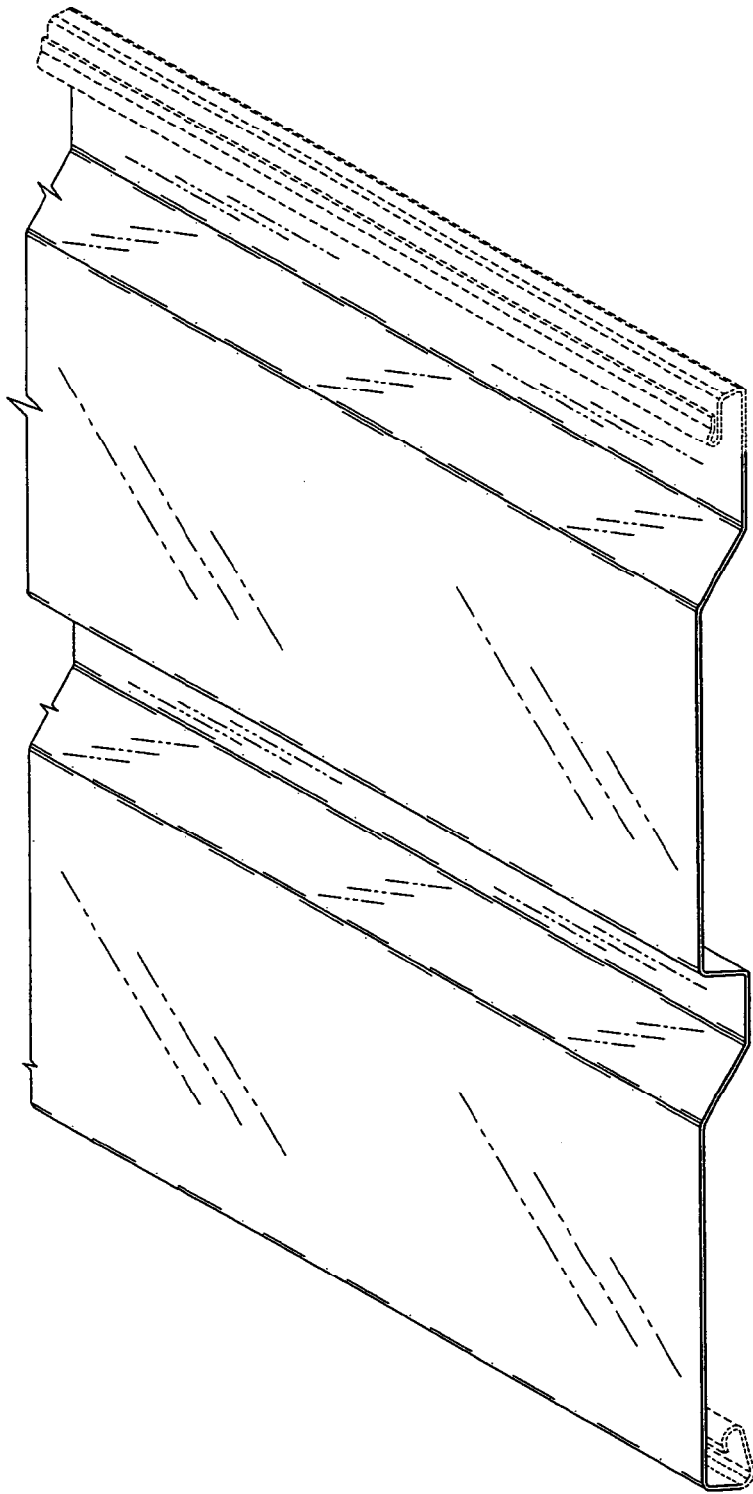


FIG. 49



FIG. 50

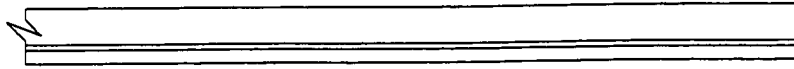


FIG. 53

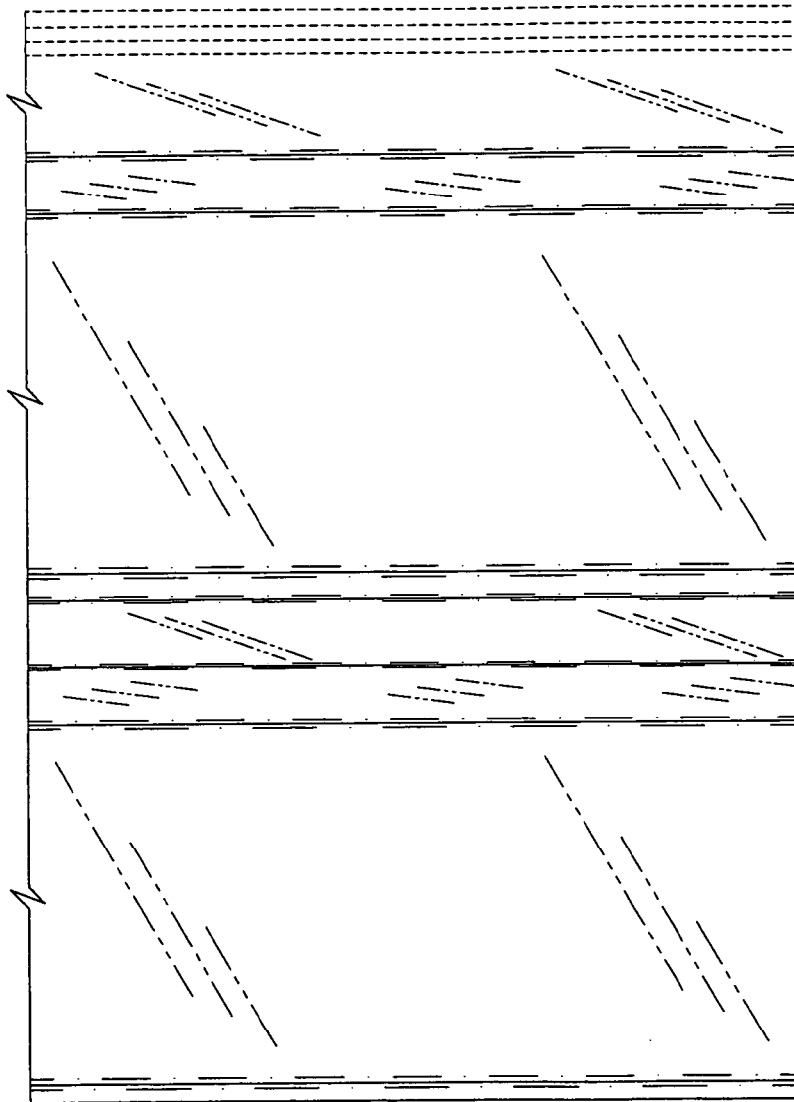


FIG. 51

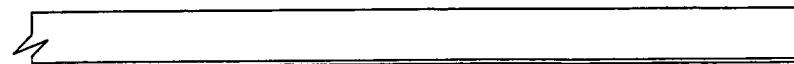


FIG. 52

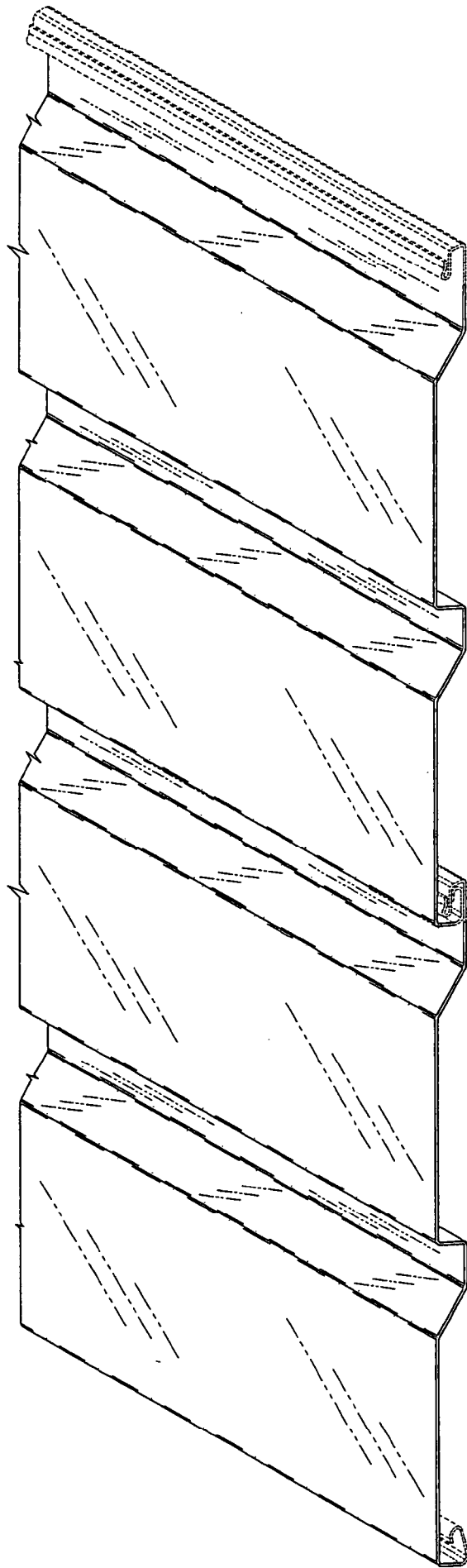


FIG. 54

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a design patent is sought on the invention entitled BUILDING PANEL, the specification of which (check one):

 x is attached hereto
 was filed on as Application Serial No.
 and was amended on , if applicable

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed	
	Yes	No
(Number)	(County)	(Date/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)

I hereby appoint the following attorney(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith: Lynn J. Alstadt, Reg. No. 29,362; George P. Baier, Reg. No. 26,717; Dennis M. Carleton, Reg. No. 40,938; Craig G. Cochenour, Reg. No. 33,666; James W. Collett, Reg. No. 46,636; Michael L. Dever, Reg. No. 32,216; Bradford J. Duft, Reg. No. 32,219; John E. Grosselin, III, Reg. No. 38,478; Bryan H. Opalko, Reg. No. 40,751; Michael G. Panian, Reg. No. 32,623; Duane A. Stewart III, Reg. No. 54,468 and Carla J. Vrsansky, Reg. No. 36,958.

Address all telephone calls to Michael G. Panian
 Address all correspondence to Buchanan Ingersoll Professional Corporation
 One Oxford Centre
 301 Grant Street, 20th Floor
 Pittsburgh, Pennsylvania 15219-1410
 412-562-3743

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Mark A. Thimons
Inventor's Signature _____ Date _____
Residence Natrona Heights, Allegheny County, Pennsylvania Citizenship U.S.A.
Post Office Address 1230 Minnesota Avenue, Natrona Heights, PA 15065

Full name of second joint inventor Mark J. Klos
Inventor's Signature _____ Date _____
Residence West Mifflin, Allegheny County, Pennsylvania Citizenship U.S.A.
Post Office Address 200 Shara Drive, West Mifflin, PA 15122

Full name of third joint inventor _____
Inventor's Signature _____ Date _____
Residence _____ Citizenship _____
Post Office Address _____

Full name of fourth joint inventor _____
Inventor's Signature _____ Date _____
Residence _____ Citizenship _____
Post Office Address _____

Full name of fifth joint inventor _____
Inventor's Signature _____ Date _____
Residence _____ Citizenship _____
Post Office Address _____

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

04/22/2004 SDENB0B1 00000079 29203806

01 FC:2002

170.00 0P

PTO-1556
(5/87)